



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill were introduced in Lok Sabha on 24th March, 2017:—

BILL NO. 89 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court at Patna at Bhagalpur.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act may be called the High Court at Patna (Establishment of a Permanent Bench at Bhagalpur) Act, 2016.

Short title.

2. There shall be established a permanent Bench of the High Court at Patna at Bhagalpur and such Judges of the High Court at Patna, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bhagalpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bhagalpur, Banka, Munger, Jamui and Khagaria.

Establishment of a Permanent Bench of High Court at Patna at Bhagalpur.

STATEMENT OF OBJECTS AND REASONS

The High Court of Patna is located at Patna in the State of Bihar. Keeping in view the geographical location of Bihar, people living in eastern region face a lot of inconvenience to travel long distances to reach the High Court at Patna to pursue their pending cases. This is not only time consuming but also expensive for litigants especially belonging to poor sections of society.

There has been a long pending demand from the people of the State especially those from Bhagalpur, Banka, Munger, Jamui, Khagaria, Madhepura and Supaul districts that Bench of the High Court be establish at Bhagalpur which is an important commercial city in the State of Bihar. It would greatly help the people living in above said districts for quick disposal of their pending cases.

Hence this Bill.

NEW DELHI;
March 03, 2016.

SHAILESH KUMAR (BULO MANDAL)

BILL NO. 207 OF 2016

A Bill to provide for management and welfare of Indian citizens employed outside the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Overseas Workers (Management and Welfare) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "Fund" means the Overseas Workers Welfare Fund constituted under section 6;

(b) "overseas worker" means any Indian citizen who is employed outside India by a person who is not an Indian citizen or any company or any enterprise or any vessel which is not registered in the territory of India but does not include Indian citizens working in the organs or agencies of the United Nations Organization (UNO); and

(c) "prescribed" means prescribed by rules made under this Act.

Maintenance of Register of Overseas workers.

3. The Central Government shall prepare and maintain a Register of all overseas workers containing names and such other particulars including the country in which they are employed, in such manner as may be prescribed.

Assessment study.

4. The Central Government may, from time to time, undertake or cause to be undertaken, using agencies as it may consider necessary, studies in the countries where there are substantial number of overseas Indian workers with a view to assess the following in regard to overseas Indian workers:—

- (i) access to basic human rights;
- (ii) access to health facilities;
- (iii) access to legal remedies; and
- (iv) ability to live in a safe and secure manner.

Formulation of welfare schemes.

5. (1) The Central Government shall formulate and implement welfare schemes for overseas workers in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall also provide for,—

- (a) insurance and disability cover;
- (b) old age protection;
- (c) orientation and skill upgradation; and
- (d) such other provisions as the Central Government may consider necessary.

Overseas Workers' Welfare Fund.

6. (1) The Central Government shall by notification in the Official Gazette, constitute a Fund to be known as the Overseas Workers' Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

Compulsory registration of recruiting agencies.

7. It shall be mandatory for all persons or agencies involved in the recruitment or placement of Indian citizens for employment with foreign nationals or companies outside the country to get themselves registered with such authority, as may be designated by the Central Government for the purpose.

Punishment.

8. Whoever, in contravention of section 7 recruits any person for employment outside the country, shall be punished with simple imprisonment for a term which may extend to five years and with fine which may extend upto rupees five lakh or with both.

Act to have overriding effect.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are about five million Indians employed outside the country. More than ninety per cent. of this work force is in the Gulf countries. There has been a consistent and steady increase in the number of persons going abroad in search of employment.

The problems being faced by Indian overseas workers are manifold. Non-payment or delay in payment of wages, harsh working and inhuman living conditions, substitution of contracts, retention of passport, cheating by intermediaries, incidents of physical abuse and sexual exploitation, etc. are common. In most of the countries, access to legal remedy is denied to Indian workers. In many cases Indian workers do not get the benefit of social security contribution paid during their employment abroad, after they return to India, due to various reasons.

Therefore, there is an urgent need for a legislation providing for the management and welfare of Indian citizens working abroad. The Bill. *inter-alia* seeks to provide for:—

(i) registration of all Indian citizens who migrate from the country in search of employment;

(ii) empowering the Central Government to frame welfare schemes for overseas workers; and

(iii) compulsory registration of recruitment agencies etc. and for punishment for those agencies who carry out the business of recruiting persons for overseas employment without registration.

Hence this Bill.

NEW DELHI;
July 4, 2016

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the maintenance of a register of overseas workers. Clause 4 provides for an assessment study in the countries where there are overseas Indian workers. Clause 5 provides for formulation and implementation of welfare schemes for welfare of overseas workers. Clause 6 provides for constitution of a Overseas Workers' Welfare Fund for welfare of overseas workers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 196 OF 2016

A Bill to provide for the establishment of a permanent Bench of the High Court at Patna at Maharajganj.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court at Patna (Establishment of a Permanent Bench at Maharajganj) Act, 2016.

Establishment
of a
permanent
Bench of
High Court at
Patna at
Maharajganj.

2. There shall be established a permanent Bench of the High Court at Patna at Maharajganj and such Judges of the High Court at Patna, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Maharajganj in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Siwan, Saran, Gopalganj, East Champaran, West Champaran, Sitamarhi, Muzaffarpur and Shivhar.

STATEMENT OF OBJECTS AND REASONS

The demand for establishment of a permanent Bench of the Patna High Court in the Northern Bihar has been pending for a long time, but the demand has not yet been fulfilled. The Patna High Court is heavily burdened and lakhs of cases are pending before that High Court. The delay in disposal of cases is resulting in hardship for the people living particularly in North-western part of the State. People of North-western Bihar have to suffer on account of travelling long distance and incurring expenditure for attending their pending cases in the High Court at Patna.

The Bill, therefore, seeks to establish a permanent Bench of High Court at Patna at Maharajganj. A permanent Bench of the High Court, if established at Maharajganj, would go a long way in providing much needed relief to those who are not in position to bear the burden of expenditure on account of travelling to attend the hearings of their cases at the High Court at Patna.

Hence this Bill.

NEW DELHI;
July 5, 2016.

JANARDAN SINGH 'SIGRIWAL'

BILL NO. 233 OF 2016

A Bill to provide for abolition of capital punishment in India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Abolition of Capital Punishment Act, 2016.

Abolition of
Capital
Punishment.

2. (1) Capital Punishment is hereby abolished.

(2) Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, the maximum punishment for any offence shall not be more than imprisonment for life.

45 of 1860

Act not to
apply to
certain
offences.

3. Nothing in section 2 shall apply to the offences of terrorism or rape.

STATEMENT OF OBJECTS AND REASONS

Capital punishment is barbarous and inhuman which goes against the ethos of a modern civilized society. The savage act of capital punishment raises the moral question whether the State has the right to take away someone's life.

That is why the United Nations decided to appeal to States all over the world to do away with capital punishment. Many nations around the world have already heeded the UN appeal.

Except the offenders, who commit the offences pertaining to terrorist activities or rape, no other person who offend against a law should be treated as a person to be done away with. A civilized society should have an attitude of compassion, sympathy and rectification towards these criminals. Even a hardened criminal would think and rethink when the society helps him to change and allows him to live and work with them. A life sentence is sufficient for a person to repent and change his ways to become a good citizen again. The attempt of a civilized State should be to provide enough opportunity to its citizens to realize the wrong he has done and to rectify himself to be a good man and a good citizen.

Hence this Bill.

NEW DELHI;
August 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

BILL NO. 230 OF 2016

A Bill to provide for loan facilities to meritorious students for pursuing their higher studies and for matter connected therewith.

BE it enacted by Parliament in the Sixty-seventh year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Meritorious Students (Assistance in Higher Studies) Act, 2016.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "bank" means any nationalised bank and includes any financial institution which is owned by or is under the control of or where fifty one per cent. of shares are held by the Central Government or is receiving aid from the Central Government;

(b) "higher studies" includes courses in medicine, engineering or management or any professional course in any field or vocation or research in any field from any recognized college or a university or an institution;

(c) "meritorious student" means a student who has secured a minimum of seventy-five per cent. marks in the higher or senior secondary examination; and

(d) "prescribed" means prescribed by rules made under this Act.

3. Every meritorious student shall be provided with loan from the Banks for pursuing their higher studies:

Banks to provide loan to meritorious students.

Provided that the loan shall be sanctioned only to such students whose family income from all sources is not more than Twenty-five thousand rupees per month.

Explanation.—For the purpose of this section, "family" means husband, wife and their dependent children.

4. (1) Any student who fulfils the criterion specified in section 3 and who wishes to pursue higher studies may make an application to the concerned branch of any bank.

Applications for loan.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of receipt thereof.

5. (1) The loan shall be payable to the eligible student till he completes the course for which the loan is applied for.

Amount of loan.

(2) The amount of loan payable shall cover the entire cost of education including course fees, study material, hostel fees, if any, and any other expenditure in connection with the education.

(3) The Bank shall make the payment directly to the Head of the college or university or institution where the student is studying.

6. (1) The loan shall be given to an eligible student without any security or guarantee:

Terms and conditions of sanction and repayment of loan.

Provided that the Bank may demand from the student such details and documentary proof, as it may deem fit, before sanctioning the loan.

(2) The loan shall be recovered from the students in equal monthly instalments with simple interest at the rate of five per cent. per annum immediately after the student gets a job on completion of his study:

Provided that the loan shall be repaid within four years from the date of securing a job.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The higher education, especially medical and engineering education has become very expensive. The meritorious students who come from the lower strata of society are unable to afford the fees charged for such courses and are, therefore, deprived of higher studies. This will have an adverse effect on the nation building activity.

It is, therefore, necessary that banks extend concessional financial assistance at nominal rate of interest to meritorious students to enable them to pursue their studies unhindered and contribute to nation building.

The Bill seeks to achieve the above objectives.

NEW DELHI;
August 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only the delegation of legislative power is, therefore, of a normal character.

BILL NO. 237 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2016.

Insertion of
new article
30A.

2. After article 30 of the Constitution, the following heading and article thereunder shall be inserted, namely:—

"Right to water and sanitation

Right to clean
drinking
water and
sanitation.

30A. (1) Every citizen shall have access to adequate potable water and sanitation.

(2) The State shall, within two years of the coming into force of the Constitution (Amendment) Act, 2016, by law, ensure proper implementation and monitoring of the right to potable water and sanitation.

(3) For the purposes of implementation and monitoring of the right to potable water and sanitation,—

(i) the Central Government shall ensure that,—

(a) sufficient funds are provided to the State Governments;

(b) Sanitation and Water Service Authority be constituted at the national level to oversee the implementation and monitoring of the right to potable water and sanitation;

(c) a permanent River Authority is constituted at the national level to ensure proper cleaning and maintenance of inter-State rivers and to decide on the distribution of water of such rivers among the riparian States;

(ii) every State Government shall ensure that,—

(a) the funds provided by the Central Government are distributed to the Panchayats in an equitable manner for providing water and sanitation facilities in each district;

(b) local bodies within the State constitute special Sanitation and Water Service Authorities at the district level with the following functions:—

(i) to arrange adequate number of piped water connections;

(ii) to remove refuse from premises;

(iii) to sweep and water streets;

(iv) to provide and maintain at suitable places facilities for deposit, disposal or destruction of refuse;

(v) to provide and maintain public drinking water facilities and public sanitary conveniences;

(vi) every person or authority responsible for providing or maintaining or monitoring water and sanitation facilities under the law is held liable in the event of failure to perform his functions under the law.

Explanation. In this article, the expression "State Government", in the case of a Union territory means the Central Government."

STATEMENT OF OBJECTS AND REASONS

Access to clean drinking water and sanitation is essential for dignified living of human beings on the earth. Lack of water and sanitation facilities lead to various health hazards and make people vulnerable to diseases particularly water borne diseases. In our country water resources are adequate. However, due to ineffective implementation of water and sanitation management policies, the water resources have remained untapped for human use. Therefore, there is an acute shortage of drinking water in almost every part of the country.

The right to clean drinking water and sanitation does not find any explicit mention in our national law and is also not enshrined as a fundamental right in our Constitution. However, the courts in India including the Supreme Court have interpreted article 21 of the Constitution as encompassing the right to safe water and sanitation.

While citizens have the right to access to safe and clean drinking water, the right to sanitation is equally important. The people should also have facilities and services like collection, transport, treatment and disposal of human excreta, domestic waste water and solid waste and associated hygiene promotion. Water must also be available for good personal hygiene. Toilets must be within or in the immediate vicinity of each household or workplace. Above all, access to clean drinking water and sanitation facilities must be affordable.

It is true that several social and economic rights take years to be realized fully. There is no dispute that the Union Government as well as the State Governments are making continued efforts to provide clean drinking water and sanitation facilities to citizens. However, these basic rights are still not available to the citizens in absolute terms. It is, therefore, necessary that some time limit be imposed on the State within which the citizens must start enjoying these rights as fundamental rights. Such an amendment of the Constitution would ensure better services by the authorities responsible for implementing and monitoring the water and sanitation schemes as there would be a fear of being dragged to the courts for violation of fundamental rights of citizens.

Hence this Bill.

NEW DELHI;
August 11, 2016.

RAMESH POKHRIYAL 'NISHANK'

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that Central Government shall provide sufficient funds to the State Governments. It also provides for constitution of Sanitation and Water Service Authority and River Authority at National level by the Central Government. It further provides that Sanitation and Water Service Authorities are constituted within the State by the local bodies at the district level to arrange adequate number of piped water connection, provide and maintain public drinking water facilities, etc. The expenditure relating to States shall be borne out of the Consolidated Funds of the States concerned. However, the expenditure relating to Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three hundred crore is also likely to be involved.

BILL NO. 25 OF 2017

A Bill further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Indian Forest (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 26.

2. In section 26 of the Indian Forest Act, 1927, (hereinafter referred to as the principal Act), in sub-section (1), in the long line, for the words "shall be punishable 16 of 1927.

with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term which shall not be less than six months but which may extend upto two years, or with fine which shall not be less than ten thousand rupees but which may extend upto fifty thousand rupees, or with both" shall be substituted.

3. In section 33 of the principal Act, in sub-section (1), in the long line, for the words "shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term which shall not be less than six months but which may extend upto two years, or with fine which shall not be less than ten thousand rupees but which may extend upto fifty thousand rupees, or with both" shall be substituted.

Amendment
of section 33.

4. After Chapter V of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

Insertion of
new Chapter
VA.

"Chapter VA

FIRE DANGER RATING SYSTEM

38A. (1) The Central Government shall, by notification in the Official Gazette, establish and maintain, from time to time, a Fire Danger Rating System for prevention of fire in the reserved and protected forests in such manner as may be prescribed.

Fire Danger
Rating System.

(2) For the purpose of sub-section (1), the Central Government shall classify the reserved and protected forests in separate regions after taking into account the possibilities and frequency of occurrence of fire in those forests.

(3) The Fire Danger Rating System established under sub-section (1) shall take into account the following attributes of each region classified under sub-section (2),—

(i) the topography;

(ii) the type of vegetation in the area;

(iii) the seasonal climatic cycle;

(iv) recent weather conditions;

(v) forecasted weather conditions; and

(vi) any other relevant factor which is necessary for an effective Fire Danger Rating System.

38B. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Fire Danger Rating System Fund for carrying out the purposes of this Chapter."

Constitution of
Fire Danger
Rating System
Fund.

5. In section 79 of the principal Act, in sub-section (2), in the long line, for the words "shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both", the words "shall be punishable with imprisonment for a term which shall not be less than six months but which may extend upto two years, or with fine which shall not be less than ten thousand rupees but which may extend upto fifty thousand rupees, or with both" shall be substituted.

Amendment
of section 79.

STATEMENT OF OBJECTS AND REASONS

More than ninety-five percent of forest fires are caused either by negligence or unknowingly by the human being. The rest of the fires are caused by natural reasons like lightning, extreme rise in the temperature etc., which are very rare. Uncontrolled forest fire engulfs and destroys healthy thick forest cover within no time. Besides direct loss to forest cover, forest fire also kills wildlife, damages environment, degrade soil quality and retrogrades forest regeneration. The main adverse impact of the uncontrollable forest fire includes damage to growing stock of forests, loss of biodiversity, increase in soil erosion, scorching of soil and reduction in its permeability and water retaining capacity. Not only for forest vegetation and environment, the forest fire causes direct loss to human being also in the form of damage to life and property. Extreme forest fire burns thousands of houses and kills many human beings and cattle throughout the world.

The proposed Bill seeks to establish a Fire Danger Rating System in the reserved and protected forests to prevent fire in those forests in order to provide information to support fire management and to act as a guide to predict fire behaviour, with the objective to help stakeholders make informed decisions on fire mitigation.

Hence this Bill.

NEW DELHI;
January 30, 2017.

A.P. JITHENDER REDDY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall establish and maintain a Fire Danger Rating System for prevention of fire in the reserved and protected forests in such manner as may be prescribed. It also provides for constitution of a Fire Danger Rating System Fund for the reserved and protected forest areas. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crores would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

BILL NO. 28 OF 2017

A Bill further to amend the All-India Services Act, 1951.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called All-India Services (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
3A.

2. After section 3 of the All-India Services Act, 1951, the following section shall be inserted, namely:—

61 of 1951.

Periodic
Rotation of
Officers
appointed to
All-India
Services from
one State Cadre
to another Cadre.

"3A. Notwithstanding anything contained in section 3, the Central Government shall, with the concurrence of the State Government concerned, ensure periodic rotation of officers appointed to the All-India Services and transfer a Cadre officer from one State Cadre to another Cadre on completion of five years of tenure."

STATEMENT OF OBJECTS AND REASONS

For creating a smooth administrative machinery, there is a need of effective accountability standards. The bureaucrats in our country serve for an average tenure of thirty years. Hence the process of periodic rotation of All-India Service officers is required to nurture national integration. The tenure of each officer appointed to All-India Services should be capped for a maximum five years of duty in a particular State to serve as a measure of accountability and barrier to foster any vested interests.

The Bill, therefore, seeks to amend the All-India Services Act, 1951 with a view to ensure periodic rotation of officers of the All-India Services and transfer every Cadre officer from one State Cadre to another Cadre on completion of five years of tenure.

Hence this Bill.

NEW DELHI;
January 26, 2017.

A.P.JITHENDER REDDY

BILL NO. 3 OF 2017

A Bill to provide for the establishment of a Bureau of Accountability to suggest measures for rooting out corruption; making the administration efficient and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Bureau of Accountability Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Bureau" means the Bureau of Accountability established under section 3;
and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall by notification in the Official Gazette, establish a Bureau to be known as the Bureau of Accountability for carrying out the purposes of this Act.

Establishment of a Bureau of Accountability.

(2) The Bureau shall consist of—

- (i) three serving or retired Judges of the Supreme Court of India;
- (ii) the Cabinet Secretary to the Central Government;
- (iii) the Home Secretary to the Central Government;
- (iv) Director of the Intelligence Bureau;
- (v) Director of the Central Bureau of Investigation;
- (vi) one retired General of the Army to be nominated by the Central Government;
- (vii) an eminent social worker to be nominated by the Central Government;
- (viii) an eminent political worker to be nominated by the Central Government;
- (ix) two Members of Parliament one each from the House of the People and the Council of States, to be nominated by the Presiding Officers of the respective Houses; and
- (x) three serving or retired Chairpersons of Public Sector Undertakings to be nominated by the Central Government.

(3) The members of the Bureau shall have such tenure from the date of their appointment or nomination, as may be prescribed.

(4) The Bureau shall have its head office located at New Delhi.

(5) The Bureau shall have its offices in every State and Union territory.

(6) The Central Government shall appoint such number of Officers and staff as it considers necessary for the efficient functioning of the Bureau.

(7) The salary and allowances payable to and other terms and conditions of service of members and officers and staff of the Bureau shall be such as may be prescribed.

4. The Chairperson of the Bureau shall be appointed by the Central Government from amongst the three serving or retired Judges of the Bureau to preside over the meetings of the Bureau.

Chairperson of the Bureau.

5. The Bureau shall take steps and suggest measures to the Central Government to—

- (i) accelerate the pace of working in the Ministries of Government of India;
- (ii) make the administration corruption free; and
- (iii) implement the policies framed by the Central Government within the prescribed time period.

Functions of the Bureau.

6. The members of the Bureau shall carry out surprise inspections of various Ministries and Departments of the Central Government and the Public Sector Undertakings from time to time and suggest measures for carrying out administrative reforms in the functioning of the Ministries, Departments and Public Sector Undertakings.

Powers of Bureau.

7. (1) The Bureau shall formulate rules for its internal working and the rules so made shall be laid on the Table of each House of Parliament.

(2) If any amendment is made to the rules frame under sub-section (1), the amendment so made shall also be laid on the Table of each House of Parliament.

Procedure to be followed by the Bureau in its functioning.

Power to
make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been emphasized time and again that low performing and inefficient bureaucracy is big hurdle in the development of the country. Some senior officers and their subordinates working in Government offices do not dispose of their official works within the prescribed or reasonable time period. Many important files remain pending for months in Government Offices and offices of Public Sector Undertakings which in turn leads to corruption. It is, therefore, necessary that a high powered permanent Bureau should be set up to accelerate the pace of work of bureaucracy and ensure timely completion of work. This will also help in rooting out corruption.

Hence this Bill.

NEW DELHI;
November 17, 2016.

NARANBHAI KACHHADIYA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Bureau of Accountability. It further provides that the Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Bureau. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 33 OF 2017

A Bill to provide for the constitution of a Child Nutrition and Development Nodal Agency for operation and supervision of multi-sectoral programme in high, medium and low burdened districts in mission mode to identify and eradicate malnutrition amongst children; facilitate, coordinate and converge 'direct targeted interventions and schemes' as well as indirect multi-sectoral interventions' covering one or the other aspects of nutrition scheme presently functioning under various Ministries of the Government of India and the State Governments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Child Nutrition and Development Nodal Agency Act, 2017.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

(a) "direct targeted interventions and schemes" means programmes being run by the Central Government with an object of eradication of under-nutrition amongst children including the Integrated Child Development Services (ICDS), the National Rural Health Mission (NRHM), the Mid Day Meal Scheme (MDM), the Rajiv Gandhi Scheme for Employment of Adolescent Girls (RGSEAG) SABLA and the Indira Gandhi Matriyo Sahayog Yojana (IGMSY);

(b) "District Council" means the District Nutrition Advisory Council constituted under section 6;

(c) "high, medium and low burdened districts" mean the districts designated by the Nodal Agency as the high, medium and low burdened districts based on the number of children under the age of fourteen who are considered malnourished in a district on the basis of height and weight and such other parameters as may be prescribed;

(d) "indirect multi-sectoral interventions" means schemes other than the direct targeted interventions and schemes being run by the Central Government, which in one or the other ways helps in eradication of under-nutrition amongst children including the Targeted Public Distribution System (TPDS), the National Horticulture Mission, the National Food Security Mission, the Mahatma Gandhi National Rural Guarantee Scheme (MGNREGS) and the National Rural Drinking Water Scheme;

(e) "institution of local self-Government" means a 'Municipality' or a 'Panchayat' constituted under article 243Q and 243B of Constitution of India, respectively;

(f) "mission mode" means a Malnutrition Eradication Mission Programme launched under sections 4 and 5 of this Act with predefined targets and specified timelines;

(g) "multi-sectoral programme" means a programme requiring involvement of multiple Ministries under the Central Government, the State Governments and the institutions of local self-Government;

(h) "Nodal Agency" means the Child Nutrition and Development Nodal Agency constituted under section 3;

(i) "prescribed" means prescribed by rules made under this Act; and

(j) "State Council" means the State Nutrition Advisory Council constituted under section 5.

CHAPTER II

THE CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY

Constitution
of a Child
Nutrition and
Development
Nodal
Agency.

3. (1) The Central Government shall, by notification in the Official Gazette, within three months of the coming into force of this Act, constitute an Agency to be known as the Child Nutrition and Development Nodal Agency to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Nodal Agency shall consist of—

(a) a Chairperson who shall have expertise of not less than ten years in matters relating to nutrition requirements and under-nutrition amongst children;

(b) one member representing the respective Union Ministry responsible for the "direct targeted interventions and schemes" and "indirect multi-sectoral interventions" with regard to nutrition amongst children;

(c) one representative from the independent agency constituted under section 7;

(d) *one representative of institutions of local-self Government;*

(e) one representative each from Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare; and

(f) one representative of the National Rural Health Mission,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarters of the Nodal Agency shall be at New Delhi.

(4) The Central Government shall appoint such number of officers and staff as it may consider necessary for efficient functioning of the Nodal Agency.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members officers and staff of the Nodal Agency shall be such as may be prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY

4. The Nodal Agency shall—

(a) develop a mechanism for generating nationwide nutrition disaggregated data based on data collected by the National Family Health Survey, the Integrated Child Development Services and the State Councils;

(b) classify each district in each State as high, medium or low burden district and ensure direct targeted intervention to be first focused towards most vulnerable districts and areas in each State as per the classification;

(c) set malnutrition eradication targets and timelines for each State under a targeted Malnutrition Eradication Mission;

(d) coordinate and administer policy implementation amongst Ministries of Government of India responsible for implementation of both the 'direct targeted interventions and schemes' and 'indirect multi-sectoral interventions';

(e) conduct monthly reviews with representatives of concerned Ministries with regard to implementation of schemes relating to nutrition and development of children;

(f) conduct quarterly reviews and seek reports from each State Council with regard to nutrition specific schemes under various Ministries in all the States;

(g) encourage and create awareness regarding best practices amongst different State to ensure effective implementation of nutrition specific schemes in different States;

(h) provide subject matter expertise and technical support for all multi-sectoral nutrition-related interventions to concerned Ministries of Government of India and State Governments;

(i) submit half-yearly progress report to the Central Government in such manner as may be prescribed;

(j) recommend to the Central and the State Governments with regard to the implementation of this Act and framing of rules and norms for registration and submission of reports as it may consider necessary; and

Powers and
functions of
Nodal Agency.

(k) undertake such other functions as may be assigned to it by the Central Government, from time to time.

CHAPTER IV

STATE AND DISTRICT NUTRITION ADVISORY COUNCIL

Establishment
of State
Nutrition
Advisory
Councils.

5. (1) The State Government shall, by notification in the Official Gazette, establish, with effect from such date as may be specified, a State Council to be known as the State Nutrition Advisory Council to exercise the powers conferred on and to perform the functions and duties assigned to it under this Act.

(2) The State Council shall consist of:—

(a) one representative from each District Council constituted under section 6;

(b) one representative each of Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare;

(c) one member representing the respective State Ministry responsible for both the "direct targeted interventions and schemes" and "indirect multi-sectoral interventions" with regard to nutrition amongst children in India;

(d) one representative of the State Rural Health Mission;

(e) one representative from the independent agency constituted under section 7 working in the State responsible for monitoring of nutrition specific programmes and policies,

to be appointed by the State Government in such manner as may be prescribed.

(3) The State Council shall—

(a) collect district level data to fetch any nutrition specific State level data or information as required by the Nodal Agency;

(b) facilitate implementation of programmes and policies under various Ministries as the State level through coordination with District Council;

(c) set malnutrition eradication targets and timelines for each district on the basis of targets defined by the Nodal Agency for the entire State under the Malnutrition Eradication Mission;

(d) review challenges or impediments in implementation of policies and programmes for nutrition being run under different Ministries in the State;

(e) coordinate measures taken at district level through the District Council;

(f) recommend and give suggestions to the Nodal Agency for effective implementation of the provisions of this Act;

(g) coordinate with agencies responsible for monitoring and supervision of nutrition specific programmes and policies at the State level;

(h) review suggestions given by field functionaries in the State including Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare; and

(i) undertake any other functions as it deems necessary for carrying out the purposes of this Act.

6. (1) Every State Government shall, by notification in the Official Gazette, constitute for every district within the State a District Council to be known as the _____ (name of the District) District Nutrition Advisory Council for carrying out the purposes of this Act.

Establishment of District Nutrition Advisory Councils.

(2) Every District Council shall consist of one representative from each institution of local-self Government within that district, to be appointed by the State Government in such manner as may be prescribed.

(3) The District Magistrate or District Collector shall preside over the sittings of the District Council.

(4) The District Council shall—

(a) consolidate data of institution of local-self Government under its jurisdiction to fetch nutrition specific data as required by the State Council;

(b) facilitate implementation of such programmes and policies under various Ministries at the ground level for each household as identified for the district by the State Council or the Nodal Agency to ensure effective convergence of relevant schemes for households;

(c) set malnutrition eradication targets and timelines for each institution of local-self Government on the basis of targets defined by the State Council for a district under clause (c) of sub-section (3) of section 5;

(d) recommend and give suggestions to the State Council;

(e) coordinate with other agencies responsible for monitoring and supervision of nutrition specific programmes and policies;

(f) coordinate measures taken at institution of local-self Government under its jurisdiction;

(g) ensure coordination amongst Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare dealing with malnutrition in each district;

(h) conduct awareness enhancement and capacity building programmes in each district regarding malnutrition amongst children; and

(i) undertake any other functions as it deems necessary for carrying out the purpose of this Act.

CHAPTER V

MONITORING AND SUPERVISION

7. (1) The Nodal Agency shall, by notification in the Official Gazette, appoint an Independent Agency to monitor and supervise implementation of policies, programmes and activities at the ground-level under this Act.

Monitoring and Supervision.

(2) The Independent Agency shall conduct audit and establish monitoring mechanisms in consultation with the Nodal Agency to leverage mobiles, tablets and information and communication technology to collect robust data and bolster the monitoring system through cross-validation and data audits.

(3) The Independent Agency shall submit a six monthly report to the Nodal Agency in such manner as may be prescribed.

CHAPTER VI

PUBLICATION OF INFORMATION

Publication of
Nutrition
Data.

8. The Nodal Agency shall make available to the public, the nutrition specific data through a website maintained by it, in such form and manner, as may be prescribed.

CHAPTER VII

CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY FUND

Child
Nutrition and
Development
Nodal Agency
Fund.

9. (1) The Central Government shall, by notification in the Official Gazette, constitute a fund to be known as the Child Nutrition and Development Nodal Agency Fund for carrying out the purposes of this Act.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

CHAPTER VIII

MISCELLANEOUS

Submission of
annual
Reports.

10. (1) The Nodal Agency shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form and manner a report giving an account of its activities during that financial year in such manner as may be prescribed.

(2) The Central Government shall cause such report to be laid before each House of Parliament, as soon as may be, after it is submitted.

Act to have
overriding
effect.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Despite thousands of crores of rupees being spent and a number of Government schemes working towards child development, the status of health and nutrition of our children remains abysmal. Currently, all nutrition-specific and nutrition-sensitive schemes work in silos, and as a result, are not able to achieve the intended outcome. Therefore, the establishment of a nodal agency that will facilitate coordination of all ministries and departments and execute the schemes in a convergent manner is urgently required. Further, executing schemes in a "mission-mode" will allow for a focused, outcome-oriented approach with clear timelines for achievement of targets, especially in rural areas which need special attention. The need is also to provide leverage budgets from related departments to develop an integrated plan with cross-sectoral collaboration to achieve nutrition-related targets. The need of the hour is to involve all field functionaries in a productive manner. Consistent monitoring and evaluation of schemes using technological interventions and real-time data is utmost to improve the implementation and functioning of all schemes. The proposed Bill is a step to resolve some of the health and nutrition issues that currently plague the children of our nation.

Hence this Bill.

NEW DELHI;
January 9, 2017

JYOTIRADITYA MADHAVRAO SCINDIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Child Nutrition and Development Nodal Agency. Clause 5 provides for State Nutrition Advisory Councils by the State Government. Clause 6 provides for the District Nutrition Advisory Council by the State Government. Clause 7 provides for appointment of Independent Agency by the Child Nutrition Development and Nodal Agency to monitor and implement provisions of this Act. Clause 8 provides that the Nodal Agency shall make available to the public, the nutrition specification data through a website maintained by it. Clause 9 provides for the constitution of a Child Nutrition and Development Nodal Agency Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees thirty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 179 OF 2017

A Bill to provide for the constitution of Farmers Welfare Fund and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Farmers Welfare Fund Act, 2016.
- (2) It extends to the whole of India.

Short title and
extent.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (i) "farmer" means any person engaged in agriculture and whose landholding does not exceed five acres of land;
- (ii) "Fund" means Farmers Welfare Fund constituted under section 3; and
- (iii) "prescribed" means prescribed by rules made under this Act.

Constitution of Farmers Welfare Fund.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance or otherwise shall also be credited to the Fund.

Constitution of Farmers Welfare Board for administering the Fund.

4. (1) The Central Government shall set up a Farmers Welfare Board for the purpose of administering the Fund.

(2) The Board shall consist of—

- (i) a Chairperson, to be appointed by the Central Government;
- (ii) one representative each of the Union Ministries of Power, Water Resources, River and Ganga Rejuvenation, New and Renewable Energy, Rural Development and Finance;
- (iii) one representative of the NITI Aayog;
- (iv) one representative of every State Government;
- (v) three members representing the agro-based commerce and industry sector, to be appointed by the Central Government in such manner as may be prescribed;
- (vi) one representative of the farmers, to be appointed by the Central Government in such manner as may be prescribed; and
- (vii) the Secretary of the Union Ministry of Agriculture and Farmers Welfare who shall be *ex-officio* Secretary to the Board.

(3) The salary and allowances payable to and other terms and conditions of service of Chairperson and other members of the Board shall be such as may be prescribed.

(4) The Central Government shall provide to the Board such number of officers and staff as may be required for its efficient functioning.

Duties of the Board.

5. (1) The Board shall formulate policies and guidelines regarding welfare of the farmers.

(2) The Board shall utilize the Fund for the following purposes:—

- (i) free education to the children of farmers;
- (ii) free medical facilities for farmers and their families;
- (iii) payment of disability allowance to farmers for injuries leading to disability sustained at work;
- (iv) life insurance cover to the farmers;
- (v) compensation to the farmers or their families, as the case may be, in case of accidents resulting in permanent disability or death;
- (vi) payment of old age pension to the farmers;
- (vii) payment of subsistence allowance to the farmers during off-season; and

(viii) financial assistance to the farmers at the time of marriage of their children, particularly daughters.

6. (1) Every State Government and the Union Territory Administration, shall conduct a district-wise survey, in such manner and with such details, as may be prescribed, of all farmers within their respective jurisdictions and cause the same to be published in such manner and form, as may be prescribed.

Survey of farmers.

(2) Any complaint or objection relating to inclusion or omission of name of any farmer shall be addressed to the District Magistrate concerned who shall, after due inquiry, decide upon the rectification of the records.

7. (1) Every nationalized bank and financial institution, shall extend loans to farmers, whether for farming or personal needs, without seeking any mortgage or guarantee or putting any other condition.

Banks to give loans to farmers without any guarantee.

(2) The rate of interest charged on loans provided under sub-section (1) shall not exceed four per cent simple interest per annum:

Provided that the rate of interest shall not be increased before five years from the commencement of this Act and any subsequent increase in the rate of interest shall also not be made before a lapse of five years.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even though farmers and agriculture form the backbone of our economy, it is surprising that Government does not have any proper policy for the welfare of farmers as well as their family members. The condition of farmers who own small holding of land is even worse. There are a few welfare schemes in existence but these have not resulted in any noticeable improvement in their living conditions. There is no institutional arrangement to meet their credit needs. For that, they have to depend upon the local bankers and *mahajans* who charge exorbitant rates of interest. Once in debt, it becomes very difficulty for them to come out of this debt trap. In some parts of the country, farmers are committing suicide as they are neck deep in debt. If this trend is not reversed soon, it can be easily imagined that what is going to happen. It may also threaten the food security which we have attained after a lot of struggle.

There is need for providing a net of social security for them. Banks and financial institutions should also provide loans to the farmers at low rates and without stringent conditions with regard to guarantee and mortgage.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 4, 2016.

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Farmers Welfare Fund to which the Central and State Governments shall contribute in such proportion as may be prescribed. Clause 4 provides for the constitution of a Board to manage the Fund. Clause 5 provides for the utilisation of Fund for welfare measures of the farmers. Clause 6 provides for conducting of district-wise survey of all the farmers covered by the provisions of the Bill. The expenditure relating to State shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees twenty thousand crore will be involved.

A non-recurring expenditure of about rupees twenty-five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 247 OF 2016

A Bill to establish bribery as a criminal offence and to promote effective practices to prevent bribery in private sector and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Bribery in Private Sector Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bribe" includes facilitation payments, directly or through third parties, gift, hospitality and expenses which may or perceive to affect the outcome of business transactions, which are not reasonable and *bonafide*;

Explanation.—The term 'bribe' shall become extortion when the demand of bribe is accompanied by threats that endanger the personal integrity or the life of the person involved, or forced payment of bribe to protect legitimate right or the speed money, for expediting approvals and for providing or not withholding services;

(b) "commercial entity" means—

(i) a body incorporated under the laws of India which carries on business in India or outside India; or

(ii) any other body corporate, wherever incorporated, which carries on business, or part of a business, in India; or

(iii) a partnership formed under the law in India which carries on business in India or outside India; or

(iv) any other partnership, wherever formed, which carries on business, or part of a business, in India:

Explanation.—The term 'business' includes any trade, profession, commerce or manufacture;

(c) 'confiscation' means the permanent deprivation of property by order of a court or other competent authority and also includes forfeiture;

(d) 'foreign public official' means any person holding a legislative, executive, administrative or judicial office of a foreign country, whether appointed or elected as permanent or temporary, paid or unpaid or any person performing a public function or a public service for a foreign country;

(e) 'non-governmental organisation' means a body incorporated under the laws in India or any other body corporate, wherever incorporated which carries on its charitable or religious activities in India, any society registered under the Societies Registration Act, 1860; a trust registered under the Indian Trusts Act, 1882 or association of persons which carries on its charitable or religious activities in India and includes community based organisations;

Explanation.—The term 'charitable or religious activities' means activities as defined in sub-section (15) of section 2 of the Income Tax Act, 1961:

(f) 'person' includes—

(i) an individual;

(ii) a company;

(iii) a firm;

(iv) a society;

(v) a trust;

(vi) a Hindu Undivided Family (HUF);

(vii) an association of persons or a body of individuals, whether incorporated or not;

(viii) limited liability partnership;

(ix) every artificial juridical person not falling within any of the preceding sub-clauses; and

(x) any agency, office or branch owned or controlled by such person;

(g) 'prescribed' means prescribed by rules made under this Act;

(h) 'proceeds of crime' means any property derived or obtained, directly or indirectly through the commission of offence under this Act; and

21 of 1860.
2 of 1882.

43 of 1961.

(i) 'property' means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets.

Bribery in the private sector.

3. (1) A person shall be guilty of committing an offence of giving bribe, when committed intentionally in the course of economic, financial or commercial activities when it is established that there is a promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a commercial entity, for the person himself or for another person, in order that he in breach of his duties, acts or refrains from acting in certain matters.

(2) A person shall be guilty of committing an offence of receiving bribe, when committed intentionally in the course of economic, financial or commercial activities when it is established that there is solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a commercial entity, for the person himself or for another person, in order that he in breach of his duties, acts or refrains from acting in certain matters.

Offence of Bribery of foreign public officials.

4. A person shall be guilty of committing an offence of bribery to a foreign public officials, when committed intentionally in the conduct of international business, when it is established that there is an offer, promise or giving any undue pecuniary or other advantage, whether directly or through an intermediary, to a foreign public official, for that official or for a third party, in order that the official acts or refrains from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage.

Explanation.—For the purpose of this section, offence of bribery of foreign public officials includes complicity, incitement, aiding, abetting and authorization of an act of bribery of a foreign public official or an attempt and conspiracy to bribe a foreign public official.

Abet, aid or instigate another person to commit an offence of bribery.

5. (1) Any person, who in any capacity abets or aids or instigates another person to commit an offence under sections 3 or 4 shall be deemed to be guilty of offence under that section.

(2) Any person, who attempts to commit an offence under sections 3 or 4 shall be deemed to be guilty of an offence under that section.

6. A commercial entity shall be guilty of committing an offence under this section if a person associated with it, bribes another person intending—

(i) to obtain or retain business for the commercial entity, or

(ii) to obtain or retain an advantage in the conduct of business for the commercial entity:

Provided that the commercial entity may in defence prove that it has in place adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking such conduct.

Offence of bribery by non-governmental organisation.

7. A non-governmental organisation shall be guilty of committing an offence under this section if a person associated with it, bribes another person intending—

(i) to obtain or retain assets, grants for the non-governmental organization; or

(ii) to obtain or retain an advantage in the conduct of its charitable activities:

Provided that the commercial entity may in defence prove that it has in place adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking such conduct.

Offence of bribery by company.

8. (1) Where a company contravenes any provision of this Act, every person who, at the time when contravention was committed, was in charge of or was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of offence and be punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any contravention has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of committing contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(i) 'company' means anybody corporate and includes a firm, society, trust, limited liability partnership or other association of persons; and

(ii) 'director' in relation to a firm means a partner of the firm and in relation to a trust means trustee of the trust.

9. (1) An individual guilty of an offence under sections 3 or 4 shall be liable on the first offence, for imprisonment for a term not exceeding five years or to a fine not exceeding rupees three lakh or both and for second or subsequent contravention, for imprisonment for a term not exceeding ten years or to a fine not less than rupees five lakh or both.

Penalties.

(2) any other person guilty of an offence under sections 3 or 4 shall be liable on the first offence, to a fine not exceeding rupees two lakh and for second or subsequent contravention, to a fine not less than rupees three lakh.

(3) A person guilty of an offence under section 5 is liable on conviction to a fine not more than rupees one lakh.

10. (1) On conviction of a person the proceeds of crime derived from or involved in offences under sections 3 or 4, or the property the value of which corresponds to that of such proceeds shall be confiscated.

Confiscation of proceeds of crime.

(2) If proceeds of crime have been transformed or converted, by the person in part or in full, into other property, such property shall be liable to be confiscated.

(3) If proceeds of crime have been intermingled by the person with property acquired from legitimate sources, such property shall be liable to be confiscated up to the assessed value of the intermingled proceeds.

(4) Income or other benefits derived by any person from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to be confiscated in the same manner and to the same extent as proceeds of crime.

(5) For the purpose of this section, notwithstanding any rights or privilege provided through any other Act or by an agreement between the parties, the adjudicating authority shall have authority to order any bank, financial institution, financial intermediary or commercial entity to provide information, seize or produce records, freeze accounts and remit the proceeds of crime to the designated account.

(6) The proceeds of crime confiscated under this Act shall vest in the Central Government.

11. (1) The Central Government shall, by notification in the Official Gazette, appoint such number of Special Judges as may be necessary to try the offences punishable under this Act.

Power to appoint Special Judges.

(2) A person shall not be qualified for appointment as a Special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge under the Code of Criminal Procedures, 1973.

(3) A Special Judge shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 for the trial.

2 of 1974.

(4) A Special Judge, while trying an offence punishable under this Act shall exercise all the powers and functions exercisable by a District Judge.

Appeal and revision.

12. Subject to the provisions of this Act, the High Court may exercise, so far as applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 on a High Court as if the Court of Special Judge was a Court of Session trying cases within the local limits of the High Court.

2 of 1974.

Protection of witnesses and reporting persons.

13. (1) The Central Government shall take appropriate steps to provide effective protection from potential retaliation or intimidation to witnesses, reporting persons and experts who give testimony concerning offences established under the Act and to their relatives.

(2) The Central Government shall establish procedures for the physical protection of such witnesses and reporting persons and for non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons.

(3) The provisions of the sub-sections (1) and (2) shall also apply to victims in so far as they are witnesses.

(4) In cases of extortion bribe, if the bribe giver files a complaint, he shall be protected under this clause as a whistleblower:

Provided that this protection shall not be made available in case of speed money.

Prevention of bribery by commercial entity.

14. (1) The commercial entities shall make adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking bribery.

(2) The procedures shall provide for commercial entities to establish and ensure the effectiveness of internal controls, ethics and compliance measures for preventing and detecting bribery and shall *inter alia*, include,—

(i) a clearly articulated and visible policy prohibiting bribery;

(ii) instructions for strict compliance with the policy at all levels of the entity;

(iii) appropriate disciplinary procedures to address violation of the procedures at all levels of the entity;

(iv) setting up of independent monitoring body;

(v) oversight of ethics and compliance measures and reporting to the independent monitoring body;

(vi) ensuring applicability of the policy and procedures to third parties such as agents, intermediaries, consultants, representatives, distributors, partners, contractors, advisors, suppliers, associates, subsidiaries and joint venture partners and seeking commitment from such third parties to adhere to policy prohibiting bribery;

(vii) measures for periodic communication and training at all levels of the entity of laws against bribery and entity's policy against bribery; and

(viii) putting in place an appropriate whistleblower mechanism including rewards for reporting and protection of the whistleblowers.

Prevention and detection of proceeds of crime.

15. (1) The banks, financial institutions and other financial intermediaries shall take reasonable steps to determine the identity of beneficial owners of funds deposited into the accounts of such customers in such manner as may be prescribed.

(2) The banks, financial institutions and other financial intermediaries shall maintain record of beneficial owners under sub-section (1) and shall provide such information as and when required by the adjudication authorities.

16. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in relation to any of the matters provided under this Act.

Provision of the Act not in derogation of any other law for the time being in force.

17. (1) The Central Government shall, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of bribery has assumed alarming proportions. It is estimated that a significant proportion of our Gross Domestic Product is lost on account of this widespread corruption in offices of public and private sector. Therefore, bribery not only hurts the psyche of the people but it also hurts the economic growth. Moreover, the problem is more hurting to the poor as they are the most vulnerable section of the society.

Bribery by the Government officials is only one part of the issue. Bribery is also rampant in private sector. There is dearth of laws to address the issue of bribery in private sector. The Bill seeks to provide a legislative framework to resolve the issue. The Bill also seeks to provide for a witness protection programme to be implemented by the Government.

Hence this Bill.

NEW DELHI;
July 8, 2016.

RAMA DEVI

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides that Central Government shall appoint Special Judges to try the offences under this Act. The Bill, therefore if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees forty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislation power is of a normal character.

BILL NO. 227 OF 2016

A Bill to provide for establishment of Tourism Promotion Authority for the promotion of tourism in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Tourism Promotion Authority Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Authority” means the Tourism Promotion Authority constituted under section 4; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government may, if it is of the opinion that an area has tourism potential in view of its location, ancient or historical importance or natural beauty, it may, by notification in the Official Gazette, declare that area to be a tourist destination.

Declaration of areas having tourism potential as tourist destination.

(2) An area declared under sub-section (1) as tourist destination shall be developed by the Authority as per international standards.

4. (1) The Central Government shall, by notification in Official Gazette, constitute an Authority to be known as the Tourism Promotion Authority for promotion of tourism and development of tourist destinations.

Constitution of the Tourism Promotion Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| (a) | the Minister-in-charge of the Union
Ministry of Tourism | — Chairperson, <i>ex-officio</i> ; |
| (b) | one person, whole-time member, to be appointed by the Central Government, having proven experience and expertise in the field of archaeology, country and town planning, architecture, heritage, conservation or law | — Vice-Chairperson; |
| (c) | the Secretary, Union Ministry of Tourism | — member, <i>ex-officio</i> ; |
| (d) | the Secretary, Union Ministry of Culture | — member, <i>ex-officio</i> ; |
| (e) | the Secretary, Union Ministry of Home Affairs | — member, <i>ex-officio</i> ; |
| (f) | the Director General, Archaeological Survey of India | — member, <i>ex-officio</i> ; |
| (g) | Secretaries, Department of Tourism of the State Governments | — members, <i>ex-officio</i> ; |
| (h) | the Member of the House of People whose constituency include any part of the tourist destination | — member, <i>ex-officio</i> ; |
| (i) | the Municipal Commissioner of the Municipality concerned | — member, <i>ex-officio</i> ; |
| (j) | the Divisional Commissioner of the Division concerned | — member, <i>ex-officio</i> ; |
| (k) | not more than three persons to be nominated by the Central Government. | — members. |

(4) The Vice-Chairperson and the nominated members shall hold office for a period of three years.

(5) The salary and allowances payable to and other terms and conditions of the Vice-Chairperson and other members shall be such as may be prescribed.

5. (1) The Central Government shall appoint the Secretary and the Chief Accounts Officer, respectively, of the Authority in such manner as may be prescribed.

Appointment of Secretary, Chief Accounts Officer and other staff of the Authority.

(2) The Secretary and the Chief Accounts Officer shall exercise such powers and perform such duties as may be specified by the Central Government.

(3) The Central Government shall provide such number of other officers and staff to the Authority as may be required for its efficient functioning.

(4) The salary and allowances payable to and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

Headquarter and other offices of the Authority.

6. (1) The headquarter of the Authority shall be at New Delhi.

(2) The Authority shall have its offices in every State capital or at such other places as it may deem fit for carrying out the purposes of this Act.

Meetings and procedure of the Authority.

7. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings, as may be prescribed.

(2) When any member referred to in sub-clause (c) or (d) or (e) of section 3 is unable to attend a meeting of the Authority for any reason, he may depute an officer, not below the rank of Joint Secretary, from his Department to attend the meeting and such member shall have the right to vote.

Vacancies not to invalidate proceedings of the Authority.

8. No Act or proceeding of the Authority shall be invalid by reason of any vacancy in the Authority.

Constitution of the Tourism Promotion Authority Fund.

9. (1) The Central Government shall, by notification in Official Gazette, constitute a Fund to be known as the Tourism Promotion Authority Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

Objects of the Authority.

10. The objects of the Authority shall be—

(a) to promote and develop tourism;

(b) to improve and strengthen the existing infrastructure in and around ancient monuments, heritage sites and tourist destinations;

(c) to develop new tourist destinations with all basic amenities;

(d) to co-ordinate, support and interact with other departments and agencies for streamlining services and amenities in and around tourist destinations;

(e) to provide safety and security to tourists; and

(f) to facilitate and enhance the experience of the tourists.

Master Plan for the development of tourist destinations.

11. (1) The Authority shall, as soon as may be, prepare a separate Master Plan for the development of each tourist destination.

(2) The Master Plan shall include—

(a) vision for the development of tourist destination;

(b) measures both short term, and long term to promote and develop tourism; and

(c) measures to strengthen the existing infrastructure in and around tourist destination.

(3) The Master Plan of a tourist destination shall be published in at least one local newspaper having circulation in that area for inviting objections and suggestions from general public before such date as may be specified in the publication.

(4) The Authority shall, before finalizing a Master Plan, take into consideration all objections and suggestions made under sub-section (3).

12. The Authority shall—

Functions of the Authority.

(i) prepare a calendar of activities including annual festival, *melas*, *haats* to be organised in each forthcoming financial year for the promotion of tourism at different tourist destinations;

(ii) advertise such activities as it considers necessary to promote tourism at different tourist destinations;

(iii) interact once in three months with the stakeholders including representatives of the hoteliers, local authorities, police, Archaeological Survey of India and the Tourism Department of the State Government concerned for proper co-ordination to develop and strengthen tourism infrastructure in and around tourist destinations in the area;

(iv) provide amenities at such rate and in such manner to the visitors as may be notified by the Central Government in this regard;

(v) provide such other amenities as it may deem fit for the development of tourist destination;

(vi) recommend to the Central Government the measures to be taken for the development of tourist destinations;

(vii) coordinate with the local authorities functioning in the area regarding any developmental work undertaken or to be undertaken in or around a tourist destination;

(viii) maintain a website containing all essential information regarding the tourist destination including hotels, monuments and heritage sites, tourist maps, help desk, district administration and tour operators with a view to provide necessary information and help to the tourists;

(ix) levy and collect entry fee at such rate and in such manner, as may be prescribed, from visitors at tourist destinations; and

(x) issue such directions as it may deem necessary or expedient to meet the purposes of the Act.

13. Notwithstanding anything contained in any other law for the time being in force, the Central Government may, on the recommendation of the Authority and in consultation with State Government concerned, acquire any land required for the purposes of development of a new tourist destination under this Act.

Acquisition of land for development of tourist destination.

14. (1) Whenever any development work is to be carried out in or around any the tourist destination by any local authority, such local authority shall inform the Authority in writing at least fifteen days before carrying out any development work along with the estimates of expenditure likely to be incurred on development work.

Prior intimation of any development work by any local authority to the Authority.

(2) The Authority shall maintain a Register containing details of development works to be undertaken by the local authorities.

(3) Any person, who intends to inspect the Register maintained under sub-section (2), shall apply to the Authority, in such form and manner as may be prescribed.

(4) If, in the opinion of the Authority, any proposed development work shall adversely affect the tourism potential of a tourist destination, the Authority may, after giving an opportunity of being heard to the agency concerned, restrain such agency from carrying out any such development work.

15. The Central Government shall, from time to time, issue such directions to the Authority, as may be necessary for carrying out the purposes of this Act.

Central Government to issue directions.

16. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be prescribed.

Accounts and audits.

(2) The accounts of the Authority shall be audited at such intervals as may be specified by the Central Government.

Annual report. **17.** (1) The Authority shall prepare every year an annual report in such form and manner, as may be prescribed by the Central Government, giving a full account of its activities during the previous year, and copies of the report shall be forwarded to the Central Government.

(2) A copy of the report forwarded under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

Returns and inspections. **18.** (1) The Authority shall furnish to the Central Government at such time and in such form and manner, as may be prescribed, such returns, statements and other particulars in regard to any proposed or existing programme for the promotion and development of tourism, as the Central Government may, from time to time require.

(2) The Authority or any other officer authorized on its behalf, may call for reports and other information from the State Government or any other agency, as may be required by it for the efficient administration of this Act and it shall be incumbent for the State Government or other agency concerned to furnish the information so required.

Authentication of orders and documents of Authority. **19.** All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Secretary to the Authority or any other officer authorized by the Authority in that behalf.

Power to delegate. **20.** The Authority may, by general or special order, direct that any power exercisable by it under this Act may be exercised by such officer or local Authority in such cases and subject to such conditions as may be specified therein.

Members and officers to be public servants. **21.** The Vice-Chairperson, every member, officer and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith. **22.** No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Power to delegate. **23.** The Authority may, by general or special order in writing, delegate to the Vice-Chairperson or any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act, as it may deem necessary.

Power to remove difficulty. **24.** (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules. **25.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Tourism in India has shown a phenomenal growth in recent times. There are still a large number of places in India which have got immense tourist potential, but unfortunately due to various reasons the potential can not be best utilized. The meager number of inbound foreign tourists in comparison to other countries clearly establish the lack of proactive actions on our part. We have grossly failed to market our tourist destinations, heritage monuments and sites aggressively whether nationally or internationally. Our existing tourist destinations lack facilities and amenities for the tourists and therefore, they do not experience a comfortable stay during their visits.

The Directorates of Tourism, both of the Central and the State Governments, could not also achieve the purpose of promoting tourism and developing the destinations as model tourist destinations. Undoubtedly, the promotion of tourism would enhance our prosperity besides increasing the avenues of employment. We, therefore, urgently need the statutory bodies, which can have the full focus and powers to work in this sphere of tourism.

The present Bill, keeping in view promotion and development of tourism in the country, provides for—

- (i) establishment of Tourism Promotion Authority for promotion and development of tourism;
- (ii) to improve and strengthen the existing infrastructure in and around tourist places, ancient monuments and heritage sites;
- (iii) to create and construct new permanent tourist destinations with all basic amenities;
- (iv) to motivate other departments and agencies for framing requisite schemes;
- (v) to take steps to promote tourist friendly activities; and
- (vi) to facilitate and enhance the experience of the tourists.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 11, 2016.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Tourism Promotion Authority by the Central Government. Clause 5 provides for appointment of Secretary, Chief Account Officer and other staff of the Authority. Clause 6 provides for headquarter and other offices of the Authority. Clause 7 provides for meetings and procedure of the Authority. Clause 9 provides for constitution of a Tourism Promotion Authority Fund. Clause 12 provides for the promotion of tourism through advertisement, maintaining of website and providing amenities for development of tourist destinations. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about three hundred crore will be involved per annum.

A non-recurring expenditure of rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 290 OF 2016

A Bill further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 2006.

2. In the Food Safety and Standards Act, 2006, (hereinafter referred to as the principal Act), in section 57, in sub-section (1),—

Amendment
of section 57.

(a) in clause (i), for the words "two lakh rupees", the words "five lakh rupees" shall be substituted; and

(b) in clause (ii), for the words "ten lakh rupees", the words "twenty-five lakh rupees" shall be substituted.

3. In section 59 of the principal Act, for clauses (i) to (iv), the following clauses shall be substituted, namely:—

Amendment
of section 59.

"(i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to three years and also with fine which may extend to ten lakh rupees;

(ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to five years and also with fine which may extend to fifteen lakh rupees;

(iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which may extend to twenty-five lakh rupees;

(iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than fifteen years but which may extend to imprisonment for life and also with fine which shall not be less than thirty-five lakh rupees."

STATEMENT OF OBJECTS AND REASONS

As it is important to detect adulteration of food for human consumption, we must also ensure stringent punishment for adulteration as a deterrent against adulteration. Therefore, this Bill, seeks to amend the Food Safety and Standards Act, 2006 to increase the quantum of punishment for adulteration of food for human consumption to life imprisonment and the fine upto rupees thirty-five lakhs.

Hence this Bill.

NEW DELHI;
October 20, 2016.

RABINDRA KUMAR JENA

BILL NO. 271 OF 2016

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 23.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 23, after sub-section (2), the following sub-section shall be inserted, namely:—

35 of 2009

Pool of
teachers for
primary
schools.

"(2A.) Notwithstanding anything in sub-section (1), the appropriate Government may create a pool of teachers for primary schools through a direct recruitment process.

(2B.) A person shall be eligible for appointment as a teacher under sub-section (2A), if he—

(i) is below the age of 32 years;

(ii) possesses Senior Secondary School Certificate with seventy per cent marks or Intermediate with seventy per cent marks or its equivalent;

(iii) has qualified the Central Teacher Eligibility Test (CTET) conducted by the Central Board of Secondary Education in accordance with the guidelines framed by the National Council for Teacher Education for the purpose.

or

(iv) has qualified the Teacher Eligibility Test (TET) conducted by the appropriate Government in accordance with the guidelines framed by the National Council for Teacher Education for the purpose:

Provided that the total number of teachers recruited under sub-section (2A) shall not exceed twenty per cent. of the total number of teachers recruited in any State within a calendar year.

Insertion of
new Chapter
IVA.

3. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IV A

TEACHER QUALITY ASSESSMENT TEST

Monitoring of
teacher
quality
through
assessment
test.

28A. (1) The appropriate Government shall conduct quality assessment test for all teachers once in every four years.

(2) The quality assessment test shall consist of the following two components, namely:—

(a) a written exam; and

(b) evaluation of student performance.

(3) The guidelines, syllabus and question paper for the assessment test shall be framed by a competent authority notified by the appropriate Government.

(4) The result of the quality assessment test of both the components referred to in sub-section (2) shall be declared within four months of the date of conduct of the test.

(5) The appropriate Government shall constitute a Committee in every district to review the result of the teacher quality assessment test.

(6) The Committee shall consist of—

(a) Member of Parliament representing the district, who shall be Chairperson—*ex-officio*;

(b) the District Magistrate concerned, who shall be a permanent member; and

(c) three persons to be nominated by the District Magistrate in consultation with Chairperson in such manner as may be prescribed.

(7) The salary and allowances payable to and the other terms and conditions of service of the nominated members of the Committee shall be such as may be prescribed.

(8) The Committee shall have power to review the result of teacher quality assessment test and suggest measures to the appropriate Government for improving teaching ability and other related qualities of teachers."

4. In section 30 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—

Amendment
of section 30.

"(I) No child shall be required to pass any Board examination till completion of third class."

STATEMENT OF OBJECTS AND REASONS

The education sector on the whole and especially primary education is facing a major crisis in the country. The overall literacy rate has seen a constant increase over decades and reached around 74% in 2011. However, some studies and credible reports suggest that there is a big crisis building up in the school education sector. While the enrolment into schools is almost universal at a high of around 97%, the outcomes seem below satisfactory. The Annual Status Education Report which reports the actual learning levels of school students has revealed shocking figures over the years. Only 48% of fifth class students can read text books of second class. Moreover, only 44.1% of eighth class students managed to do a division in 2014, as against 46% in 2013. In 2014, only about 25% of children enrolled in fifth class could read simple english sentences. This number is virtually unchanged since 2009. The situation is worse in middle schools. In 2009, 60.2% of children studying in eighth class could read simple sentences in english but this figure fell to 46.8% in 2014. The trend shows stagnation of learning levels and even hints at a decline.

While there may be multiple factors contributing to this crisis, but one major area which needs reform and accountability is teachers. Teachers have been putting in a lot of efforts in creating the future leaders in our country since time immemorial. The Governments also have been spending a huge sum of money into teacher's development and salaries. It is estimated that about 80% of education expenditure by the Government is on teachers. In some States, almost half of the Government staff comprises teachers. However, this pumping of money into teachers' salaries, increased number of staff and training has not resulted in better ground results. This may lead us to two questions: One, the quality of teachers and two, their commitment and accountability. It is also observed that the absentee percentage of teachers is about 25% in many States, whereas the absentee in any other Government Department is below 10% generally.

The Bill attempts to create a framework which can solve both these problems. It calls for a teacher quality assessment test once in every four years and an innovative method to recruit young and bright graduates into the teaching industry. Along with this, this Bill also amends the no detention policy of the Right to Education Act and reduces the policy only upto third class. This ensures that no student is promoted after his first three years of education without learning what is essential for his age or class. On the whole, this Bill is a small attempt in the right direction to revive the primary education sector, which is in deep crisis.

Hence this Bill.

NEW DELHI;
October 20, 2016.

RABINDRA KUMAR JENA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for creation of a pool of teachers for primary schools from class first to class third through a direct recruitment process by the appropriate Government. Clause 3 provides for teachers quality assessment test for monitoring of teachers' quality. It also provides for constitution of a committee to review assessment test results and further course of action. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government shall bear the expenditure in respect of Union Territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, it is difficult to assess the exact expenditure at this stage, yet, it is estimated that a sum of rupees Two Hundred crore would be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupees Five Hundred crore would also be involved as a non-recurring expenditure.

BILL NO. 270 OF 2016

A Bill further to amend the Companies Act, 2013.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Companies (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section
135.

2. In section 135 of the Companies Act, 2013,—

18 of 2013.

(i) in sub-section (5), the first proviso shall be omitted; and

(ii) after sub-section (5), the following sub-section shall be added at the end, namely:—

"(6) For the purpose of spending the amount earmarked for Corporate Social Responsibility activities, the company shall not limit itself to local area or areas around it where it operates but shall select areas across the country."

STATEMENT OF OBJECTS AND REASONS

The Companies Act, 2013, redefines corporate governance rules in India, emphasizing the creation and expansion of social programs. India's development needs are colossal. The country is host to some of the world's most arresting social problems, often at massive scale.

The rules governing how companies are to contribute to Corporate Social Responsibility (CSR) are fairly basic leaving much of its implementation subject to interpretation. The Companies Act, 2013, requires covered companies to give preference to areas in the vicinity of the company's operations for CSR activities, whereas many of India's most serious social and health problems are located far away from key industrial centres. It is reasonable to expect that Indian States with the highest levels of economic activity will receive the largest share of this new CSR spending. This could ultimately augment regional development discrepancies already evident in India.

There is a mismatch between the regions with high levels of economic activity and those areas with the most critical social development needs. A few of the critical social issues are prevalent in India's more developed regions. However, the majority of people impacted by the social issues outlined in the Companies Act for CSR spending is concentrated in India's less-developed States and therefore the CSR mandate may ultimately deprive these States of an important new source of funds to combat their most pressing social problems.

The world is moving to a dematerialized form of commerce. There is also a need to ensure that the rules accommodate existing and emerging business models that focus less on a physical presence. Some of the world's largest companies today and in the future will have an even smaller operational footprint.

This Bill is to bring more clarity that the CSR mandate of the company and CSR need of any particular area/region must be treated separately. The Bill seeks to amend the Companies Act, 2013 with a view to enable companies to spend the amount earmarked for Corporate Social Responsibility (CSR) activities in areas all across the country and not just in local area and areas around it where the company operates.

Hence this Bill.

NEW DELHI;
October 20, 2016.

RABINDRA KUMAR JENA

BILL NO. 264 OF 2016

A Bill further to amend the State of Arunachal Pradesh Act, 1986.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the State of Arunachal Pradesh (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of new section for section 35.

2. In the State of Arunachal Pradesh Act, 1986, for section 35, the following section 69 of 1986. shall be substituted, namely:—

Separate cadre of All India Services.

"35. (1) On and from the date of commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, there shall be constituted for the State of Arunachal Pradesh a separate cadre each of the Indian Administrative Service, the Indian Police Service and the Indian Forest Service.

Strength and composition of the State cadre.

(2) The initial strength and composition of the State cadre shall be such as the Central Government may, by order, determine.

(3) The members of each of the all India services borne on the joint cadre AGMUT (Arunachal Pradesh, Goa, Mizoram and Union Territories) shall, on and from the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, be allocated to the State cadre of the same service constituted in such manner and with effect from such date as the Central Government may, by order, specify.

(4) Nothing in this section shall be deemed to affect the operation, on or after the commencement of the State of Arunachal Pradesh (Amendment) Act, 2016, of the All India Services Act, 1951, or the rules and regulations made thereunder."

STATEMENT OF OBJECTS AND REASONS

The law relating to recruitment and conditions of service of persons appointed to the All India Services is contained in the All India Services Act, 1951 and the rules and regulations made thereunder. At present, there is a joint cadre of the All India Services for Arunachal Pradesh, Goa, Mizoram and Union Territories (AGMUT). The demand for a separate cadre in respect of Arunachal Pradesh is necessary in present dynamic structures of administration. Officers who spend a good amount of time in the State and understand it better in terms of administration are transferred to other location of AGMUT cadre probably never to return which creates gap in administrative understanding. When joint cadre was allotted to Arunachal Pradesh, it was a new State. But time has arrived now to consider a separate cadre for Arunachal Pradesh under All India Services which will only simplify administration and make governance more efficient and effective in the State of Arunachal Pradesh.

Even smaller States like Manipur, Tripura and Sikkim have their own separate cadre now but a larger State like Arunachal Pradesh does not have one. Thus, the Government should provide a separate cadre to the State of Arunachal Pradesh now. Section 35 of the State of Arunachal Pradesh Act, 1986 contains provisions relating to the All India Services. This section has to be amended in order to create a separate cadre for the State of Arunachal Pradesh from present AGMUT cadre in all three All India Services.

Accordingly, it is proposed to amend the State of Arunachal Pradesh Act, 1986 relating to All India Services to give effect to the aforesaid proposal.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
October 8, 2016.

NINONG ERING

BILL NO. 273 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of
article 15.

2. In article 15 of the Constitution,—

(i) in clause (1), after the words "place of birth", the words ",complexion, economic condition" shall be inserted.

(ii) in clause (2),—

(a) after the words "place of birth", the words ",complexion, economic condition" shall be inserted; and

(b) in sub-clause (a), for the words "access to shops", the words "access to places of all types of faith and religious worship, shops" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

After a long period of subjugation, the Constitution of India was framed by the Constituent Assembly keeping in view the Indian cultural values. Freedom has no value unless the dignity and equality of citizens in the society get established. Moreover, removal of all such factors is essential which are responsible for causing a sense of inequality in the society. The collective efforts are required to be made to achieve the progress of our nation.

The Bill, therefore, seeks to amend the Constitution with a view to provide that the State shall not discriminate against any citizen on the grounds of complexion and economic condition also. It is also proposed that every one shall have access to places of all faiths and religious worship.

Hence this Bill.

NEW DELHI;
October 26, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 275 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 371-K.

2. After article 371-J of the Constitution, the following article shall be inserted, namely:—

Special provisions in respect of Uttar Pradesh and Madhya Pradesh.

"371-K. (1) Notwithstanding anything contained in the Constitution, the President may, by order made with respect to the State of Uttar Pradesh or the State of Madhya Pradesh, provide for any special responsibility of the Governor for—

(a) protection of ownership of land and property of the domiciles of Bundelkhand region;

(b) entrustment of the right to sell and purchase land only to the domiciles of Bundelkhand region:

Provided that in case of residents of other States and in case of married women, the right to sell and purchase land may be undertaken by way of lease for a period of twenty-one years:

Provided further that the domicile of a particular district of Bundelkhand region shall not be eligible to purchase land in other districts of Bundelkhand region.

(2) No Act of Parliament in respect of social practices of the people belonging to Bundelkhand region shall apply to the State of Uttar Pradesh or the State of Madhya Pradesh unless the Legislative Assembly of Uttar Pradesh or Madhya Pradesh by a resolution, so decides.

Explanation.—In this article, the expressions—

(a) "Bundelkhand" means districts of Hamirpur, Banda, Jalaun, Jhansi, Chitrakoot and Lalitpur of the State of Uttar Pradesh and Tikamgarh, Panna, Khajuraho, Sagar, Damoh, Chhatarpur and Datia districts of the State of Madhya Pradesh; and

(b) "domicile of Bundelkhand" means such person who on or before 1940 have been ordinarily residents of the Bundelkhand region and includes progeny of such persons.

STATEMENT OF OBJECTS AND REASONS

Vindhyachal or Bundelkhand region is very ancient area of human inhabitation. Even today the most ancient evidence of human life in India are found here. It is very surprising that the very area where the early inhabitants of India had set up their ancient accommodation is today witnessing high rate of elopement. However, on the contrary, by taking advantage of the poverty and various types of compulsions and difficulties of the residents of the area, the practice of resourceful people from outside the Bundelkhand region to acquire land and property using money power is on the rise. This has made significant changes with regard to land-ownership in the Bundelkhand region. As a result of these changing circumstances, the residents of Bundelkhand region are feeling cheated at the turn of events.

Migration is on the rise due to loss of land-ownership and it is posing a serious threat to the culture and language of the Bundelkhand region as a result of which the danger of losing the special identity of this society is looming large before them. In addition, the region has got some unique social practices and there is an urgent need to protect and preserve the said practices. Therefore, the development of Bundelkhand region is required to be carried out in conformity with the regional recognitions so that there will not be any outrage among the people and the culture, language and the special social practices of Bundelkhand region are protected. As other States have been provided with special provision under the Constitution, there is a need to include a special provision for Bundelkhand region in the Constitution for the welfare of the domiciles of Bundelkhand region.

Hence this Bill.

NEW DELHI;
October 10, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 274 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 25.

2. In article 25 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

"provided that no person or religious organisation shall convert any person professing any religion to other religion by way of force, fraud, greed or ensnare.".

STATEMENT OF OBJECTS AND REASONS

The basic idea of Indian philosophy of life is peace and this idea has been an integral part of Indian political theory since ancient times. Though modern political theories describe the personal relations of the individuals and relations of the individual and the State, yet, the relation between the human being and the God is beyond the extent of political thinking. The Constitution of India provides freedom to all individuals to follow their respective religions and also to propagate their own religion. However, if the religious communities use force, fraud, greed or ensnare to convert the followers of other religions, it is likely to create a threat to public peace and the country will derail from the path of economic development. Hence, this is the duty of the State to check such potential threats so that the followers of all religions may live in a cordial environment.

Hence this Bill.

NEW DELHI;
October 26, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL No. 288 OF 2016

A Bill to provide for the regulation of transfer of military personnel appointed on compassionate grounds.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
commencement,
and application.

1. (1) This Act may be called the Military Service (Regulation of Transfer of Personnel Appointed on Compassionate Grounds) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(3) It shall apply to the military services under the control of the Central Government.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointment on compassionate grounds" means any appointment of a dependant family member of military personnel on compassionate grounds;

(b) "competent Authority" refers to an officer serving in army or navy or air force and empowered to issue orders of transfer of military personnel;

(c) "dependant family member" means—

- (i) spouse; or
- (ii) son (including adopted son; or
- (iii) daughter (including adopted daughter); or
- (iv) in the case of unmarried military personnel, brother or sister who was wholly dependent on the military personnel; or
- (v) parents, if the military personnel was their only child; and

(d) "military personnel" means a person employed in army or naval or air force and who—

- (i) dies in harness; or
- (ii) killed in action; or
- (iii) medically boarded out and is unfit for civil employment.

3. (1) Notwithstanding anything contained in any law or rule or order or bye-law or notification or any judgment or order of any court, for the time being in force, the competent Authority shall, while effecting transfer of the dependant family member appointed on compassionate grounds, take into consideration the sex, economic condition of his family and distance from his residence to place of posting:

Provided that if the widow of the military personnel is appointed on compassionate grounds and the children are pursuing education and has been serving at the same station, in such case transfer shall be at the same station or at the station near to the place of residence of such personnel.

Provisions for transfer of dependant family member of military personnel appointed on compassionate grounds.

STATEMENT OF OBJECTS AND REASONS

Our national borders are safe and secure due to indomitable courage, sacrifice and selfless services of our military forces. Their acts are invaluable. They do not hesitate to sacrifice their lives while serving the nation. In the post Independence era, India has faced many wars and a good number of military personnel had sacrificed their lives. On one hand, the country loses its great soldier, a family loses the sole earning members on the other. The person dying in harness leaves behind him old parents, spouse and young children as survivors. Though one of the eligible and dependant family member is offered an appointment on compassionate grounds, yet, after a particular period of service at one place of posting when one is transferred to far located station consequent upon completion of tenure or on one's promotion, the entire family is literally left in the lurch. The problem gets compounded and assumes all the more severe proportion in case the dependant widow has to move with little kids and, old aged in-laws at new place of posting. However, in case the military personnel appointed on compassionate grounds are allowed to remain at the same station or posted at a station which is near to the place of ordinary residence, the dependant members of family will not only get a respite from moving to new place but will also enable the person to stay committed to the service to the nation with all the more diligence and dedication.

Hence this Bill.

NEW DELHI;
October 10, 2016.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL NO. 291 OF 2016

A Bill to provide for the constitution of the Child Development Programmes Coordination Agency in order to ensure smooth functioning of child development programmes and achievement of targets for such programmes within a set time frame and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Development Programmes Coordination Agency Act, 2016.

Short title
and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Agency" means the Child Development Programmes Coordination Agency established under section 4;

(b) "Child Development Programmes" means the programmes being run by the Ministry of Women and Child Development of the Central Government with an object of child development in the country;

(c) "prescribed" means prescribed by rules made under the Act;

(d) "Supreme Departmental Authority" means the Secretary of the Department of Women and Child Development of the Central Government; and

(e) "top official" means the head of the Child Development Programmes being run by the Central Government.

Coordination
of Child
Development
Programmes.

3. It shall be the duty of the Central Government to coordinate child development programmes with an objective to ensure that the child development programmes are run smoothly and the targets are achieved within the set time frame.

Establishment
of Child
Development
Coordination
Agency.

4. (1) For the purpose of section 3, the Central Government shall, by notification in the Official Gazette, establish an agency for the purpose of this Act to be known as the Child Development Programme Coordination Agency, in such manner as may be prescribed.

(2) The Central Government shall appoint such number of officers and staff for the efficient functioning of the agency.

(3) The salary and allowances payable to and other terms and conditions of the services of officers and staff shall be such as may be prescribed.

(4) The headquarter of the Agency shall be at such place as may be prescribed.

Functions of
the Agency.

5. The agency shall—

(a) conduct monthly review of child development programmes run by the Central Government;

(b) hold meetings with the top officials in connection with the quarterly execution of programme based on the review;

(c) submit half-yearly progress report and give suggestions to Supreme Departmental Authority; and

(d) perform such other functions as may be prescribed by the Central Government from time to time.

6. (1) The Central Government shall by notification in the Official Gazette establish a Fund to be known as Child Development Programmes Coordination Fund for carrying out the purposes of this Act.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. (i) The Central Government may, by notification in the Official Gazette, make rule for carrying out the purposes of this Act.

(ii) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is unfair to think of development of a nation without the development of its children. Actually, child development is the foundation of national development. The responsibility of ensuing healthcare, availability of good nutrition and quality education to children lies not only with the parents but also with the Government. Presently, a number of programmes on child development are being run by the Central Government among which the Integrated Child Development Services (ICDS) Scheme is the primary one which was started in 1975. Subsequently, many small or big programmes were introduced. Despite all these Schemes there seems to be a continuous deterioration in child development scenario in the country, be it the state of health or nutrition or education. Owing to lack of coordination among various ongoing programmes, the state of child development in the country continues to be at the lowest level despite spending hundreds of crores of rupees annually. Therefore, the need to establish a coordination agency for ensuring smooth functioning of child development programme and achievement of targets of such programmes within the set time frame is inevitable.

Hence this Bill.

NEW DELHI;
October 28, 2016.

GAJANAN CHANDRAKANT KIRTIKAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill Provides for the establishment of the Child Development Programmes Coordination Agency and the appointment of officers and staff in the Agency. Clause 6 provides for the establishment of a Child Development Programme Coordination Fund. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one Hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 286 OF 2016

A Bill to provide for the basic amenities and clearance of Jhuggi-Jhopri areas and slum areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Slums and Jhuggi-Jhopri areas (Basic Amenities and Clearance) Act, 2016.

Short title,
extent and
commencement.

(2) It extends to Union territories only.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "building" includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building.

(b) "competent authority" means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;

(c) "*jhuggi-jhopri*" means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "slum" means an area consisting of *jhuggi-jhopri* areas, badly built and overcrowded houses and buildings; and

(f) "slum clearance" means the clearance of any slum area by demolition and removal of buildings therefrom.

Competent authority to declare slum areas.

3. The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Central Government to provide basic amenities to inhabitants of slums and construct new dwelling unit through competent authority.

4. For the purpose of effective implementation of this Act, the Central Government shall, through the competent authority,—

(i) carry out the works of improvement in slums and *jhuggi-jhopri* areas from time to time in such manner as may be prescribed;

(ii) provide all basic amenities in slums and *jhuggi-jhopri* areas in such manner as may be prescribed;

(iii) extend financial assistance or vocational training to the inhabitants of slums and *jhuggi-jhopri* areas for their self-employment; and

(iv) construct and allot dwelling units to the inhabitants of slums and *jhuggi-jhopri* areas where such areas have been declared as slum clearance areas.

Competent authority to declare any slum area to be a clearance area.

5. (1) Where the competent authority is satisfied that most satisfactory method of dealing with conditions in a slum area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a slum clearance area, that is to say, an area to be cleared of all buildings in accordance with provisions of this Act and the rules made thereunder.

(2) The competent authority shall give adequate notice to the inhabitants of slums and *jhuggi-jhopri* areas before demolition of houses, shelters or buildings.

(3) The competent authority shall not remove or demolish any *jhuggi-jhopri* areas till all residents of the area have been evacuated and allotted alternative dwelling units with all basic amenities at convenient locations.

Ban on setting up of *jhuggi-jhopri* areas.

6. On and from the date of commencement of the Act, no person shall be allowed to set up any *jhuggi-jhopri* in any area.

Central Government to make provision of funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds every year for carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for time being in force.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Act not to be in derogation of other laws.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi-jhopri area under inhuman conditions. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi-jhopri areas. However, there is no policy to deal with the problems of slums and jhuggi-jhopri areas.

Being a welfare state, it is the duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be cleared. The Bill seeks to achieve the above objective.

Hence, this Bill.

NEW DELHI;
October 28, 2016.

GAJANAN CHANDRAKANT KIRTIKAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide basic facilities to those who are living in slum areas. Clause 7 provides that Central Government shall provide adequate funds for carrying out the purpose of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand five hundred crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 278 OF 2016

A Bill to provide for establishment of an Authority for rehabilitation and welfare of persons living around railway tracks and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "around railway tracks" means the land area extending upto twenty-five meters on both sides of the railway tracks and includes land of such villages which are close to the site of railway tracks;

(b) "Authority" means the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks established under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification, in the Official Gazette, establish an authority to be known as the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks for carrying out the purposes of this Act.

Establishment of the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks.

(2) The Authority shall consist of,—

(a) the Union Minister of Railways Chairperson, ex-officio;

(b) twenty-eight members representing each of the States to be nominated by the Central Government in consultation with the concerned State Governments;

(c) twelve members representing the persons living around railway tracks for a period of not less than ten years, to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarters of the Authority shall be at New Delhi.

(4) The Authority shall establish its offices in the capital city of every State and Union territory.

(5) The Central Government shall provide such number of officers and other employees to the Authority, as may be necessary, for carrying out the purposes of this Act.

(6) The salary and allowances payable to, and other terms and conditions of service of members, officers and employees of the Authority shall be such as may be prescribed.

4. (1) The Authority shall formulate a policy to provide for such measures, as may be necessary, for the rehabilitation and welfare of persons living around railway tracks.

Functions of the Authority.

(2) The Authority shall provide to the persons living around railway tracks such facilities, free of cost, namely:—

(i) dwelling units at alternate sites, in case their land is acquired by the Central Government;

(ii) free educational facilities to the dependent children;

(iii) drinking water and sanitation facilities; and

(iv) healthcare facilities.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority for carrying out the purposes of this Act.

Central Government to provide funds.

6. The Authority shall prepare once in every calendar year in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before each House of Parliament.

Annual report.

Overriding
effect of the
Act.

7. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
remove
difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, publish in the Official Gazette, make such order or give such directions, not inconsistent with the provisions contained in this Act, as appears to it to be necessary or expedient for the removal of such difficulty:

Provided that no such order shall be made after two years from the commencement of this Act.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Several persons come to big cities in search of livelihood as scant opportunities exist in their native villages. They are forced to stay back in the big cities and most of them have to live around the railway tracks as they do not have the means to afford the expenses of living in big cities and they also have a burden on their shoulders to send some money out of their earnings to their families back home. In such a scenario, they are forced to live in subhuman conditions. Due to lack of civil amenities like latrines, they are forced to defecate in the open in all types of weather, i.e., scorching heat or rain. They do not have access to drinking water and have to travel a long distance to fetch water for daily needs. Moreover, they have to live in deprivation of educational facilities for their children and healthcare centres for their families. Since ours is a welfare State, it is the duty of the Government to take care of its citizens who are not in a position to take care of themselves. Thus, there is a dire need to protect and rehabilitate the affected persons living around railway tracks.

Hence, this Bill.

NEW DELHI;
October 28, 2016.

GAJANAN CHANDRAKANT KIRTIKAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Authority for the rehabilitation and welfare of persons living around railway tracks. It further provides for salary and allowances payable to the members, officers and employees of the National Authority. Clause 4 provides for certain welfare measures to the people living around railway tracks. Clause 5 provides for payment of funds to the Authority by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees three thousand crore will be involved.

A non-recurring expenditure of about rupees three thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 260 OF 2016

A Bill to amend the Micro, Small and Medium Enterprises Development Act, 2006.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Micro, Small and Medium Enterprises Development (Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Micro, Small and Medium Enterprises Development Act, 2006, after section 10, the following sections shall be inserted, namely:—

Insertion of new sections 10A and 10B.

"10A. (1) Every scheduled commercial bank shall lend to the micro, small and medium enterprises at the rate of one per cent plus the rate of fixed deposit of such banks.

Lending rate and limit for lending of collateral free loans.

(2) Every micro, small or medium enterprise shall be entitled to collateral free loan of upto rupees two crore from scheduled commercial banks.

10B. The Central Government shall, from time to time, notify suitable incentives to increase the inflow of equity capital in micro, small and medium enterprises."

Incentives to increase the inflow of equity capital.

STATEMENT OF OBJECTS AND REASONS

The Micro, Small and Medium Enterprises Development Act, 2006 aims to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises in the country. The said Act, as well as the guidelines issued by the Reserve Bank of India in its circular dated 1st July, 2011 and the recommendations of various committees and task groups have brought about considerable positive changes in various areas of development of competitiveness of Micro, Small and Medium Enterprises (MSMEs).

However, the MSMEs, that contribute to eight per cent of the country's Gross Domestic Product (GDP), forty-five per cent of the manufactured output, forty per cent of our exports and that employs an estimated sixty million people, continue to face serious bottlenecks in its development. Lack of access to adequate and timely credit at a reasonable cost is the most critical problems faced by this sector. Hence, there is an urgent need to make it mandatory by law for scheduled commercial banks to provide affordable lending rates to MSMEs.

The Bill hence, aims to ensure lowest lending rates to MSMEs, fixed at one per cent plus the rate of interest for fixed deposits of the scheduled commercial banks in the country. This would ensure more credit flow to the MSME sector, without hurting commercial banks, as they will continue to have freedom to fix lending rates to other sectors or units. The Bill also aims to make it mandatory for scheduled commercial banks to offer MSMEs, collateral free loans, up to rupees 2 crore. These two key changes in the principal Act would revive MSMEs through increased credit flow.

Hence, this Bill.

NEW DELHI;
October 28, 2016.

GAJANAN CHANDRAKANT KIRTIKAR

BILL NO. 261 OF 2016

A Bill to provide for the segregation and re-cycling of municipal solid waste, use of re-cyclable waste in waste-energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Solid Waste Management Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "large manufacturing facility" means any manufacturing facility with an investment of more than rupees twenty crore;

(c) "municipal authority" means Municipal Corporation, Municipal Committee, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and entrusted with the responsibility of management and handling of municipal solid wastes;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "segregation" means separation of municipal solid wastes into organic, inorganic, bio-degradable, non-biodegradable, recyclable and non-recyclable waste and hazardous wastes;

(f) "waste-energy plants" means plants where solid waste is treated using different techniques to produce any form of energy; and

(g) "waste generating unit" means any entity, household or large manufacturing facility where waste is generated and which require waste disposal.

Duty of waste generating unit and large manufacturing facility.

3. (1) The appropriate Government shall ensure that every waste generating unit within its jurisdiction segregates waste before its disposal.

(2) In case of large manufacturing facility, the owner or the in-charge of the facility shall, as the case may be—

(a) ensure that the waste is segregated, re-used and re-cycled at source; and

(b) undertake transportation of re-cyclable waste to waste-energy plants and the non-recyclable and non-biodegradable waste to the notified landfills, as the case may be.

(3) The appropriate Government shall ensure that the waste generating units are liable to pay for the waste generated by them that is sent to the landfills on the basis of the weight of the waste in such manner as may be prescribed.

Duty of the municipal authority.

4. It shall be duty of the Municipal authority to—

(a) collect the segregated waste from the waste generating units;

(b) ensure that the segregated waste collected and transported is not mixed with any other waste or any material, to the extent that mixing would hamper its re-use, re-cycle, further treatment or its use in waste- energy plants;

(c) undertake treatment of organic waste through bio-degradation such as vermin composting, mechanical composting, by window method or any other suitable method as approved by the Central Pollution Control Board or the State Pollution Control Board, as the case may be; and

(d) transport the non- recyclable waste, non-biodegradable waste to the notified landfills.

Penalty.

5. Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend up to three months and fine which may extend up to rupees twenty thousand.

Central Government to provide requisite funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Act not in derogation of any other law.

7. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is estimated that more than ten lakh tonnes of waste is generated in our country. The waste is largely composed of metals, plastics, paper, food, glass and presently majority of the waste is sent to the landfills with only a portion being used in waste-energy plants or recycled or reused. Waste can be used as an alternative to the depleting petroleum products and it would also keep the environment safe and clean.

The Bill seeks to ensure that waste from landfills is segregated and recycled, reused as input to waste-energy projects. Non-recyclable wastes and hazardous wastes can be dumped in the notified landfills. Proper handling and disposal of municipal waste could result in generating employment and serve as an opportunity for entrepreneurs in the waste-energy sector. In various countries there are laws for proper disposal of wastes.

Hence this Bill

NEW DELHI;
October 28, 2016

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain steps to be undertaken by the municipal authorities for collection of segregated municipal solid waste, transportation of recyclable waste to waste-energy plants and non-recyclable wastes to the notified landfills. Clause 6 provides that the Central Government shall provide adequate funds for carrying out the purposes of this Act. This Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees four hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 259 OF 2016

A Bill to provide for education loan to students and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Education Loan Act, 2016.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—	Definitions.
(a) "bank" means any nationalized or commercial bank and includes a private, co-operative or foreign bank;	
(b) "prescribed" means prescribed by rules made under the Act; and	
(c) "student" means a person who is pursuing any recognised course of study, including any professional or vocational course in any college or institution or university.	
3. (1) The Central Government shall, within six months of the commencement of this Act, formulate a scheme for providing education loan at such rate of interest, as may be prescribed, to students for following purposes, namely:—	Scheme for education loan to students.
(a) pursuing professional courses such as medical, engineering or vocational course or education in any discipline in any recognised college or institution or university; and	
(b) pursuing research in any recognized research institute or university.	
4. (1) An application for education loan shall be made by a student to any branch of a bank in such form and manner as may be prescribed.	Application for loan.
(2) An application made under sub-section (1) shall be disposed of within a period of one month from the date of its receipt.	
5. The Bank shall make payment directly to the head of the college or institution or university where the student is studying or seeking admission.	Payment to be made directly to the institution.
6. No bank shall,—	Head of the institution to deny educational loan.
(i) refuse an education loan to a student on any ground;	
(ii) insist or any sort of guarantee, mortgage or surety for the purpose of disbursement of loan;	
(iii) charge interest more than the rate prescribed;	
(iv) keep or withhold degree, diploma certificates, mark sheets in original; and	
(v) initiate recovery process of the loan before the completion of one year of securing a job by a student who has taken an education loan.	
7. If any Bank violates the provisions of section 6, the Chairman and Managing Director or other officer of the bank responsible for the violation, unless he proves that such violation took place without his knowledge or that he exercised all due diligence to prevent, shall be deemed to be guilty of such violation and shall be punished with imprisonment for a term which may extend upto six months or a fine upto rupees two lakh, or both.	Punishment.
8. (1) The Central Government shall formulate a scheme for waiving off such loan, if a student, even after five years of completing his course, fails to secure any employment.	Waiving off loan.
(2) Subject to such rules as may be made, the waiving off of loans shall be applicable only to such bona fide students who do not get employment after completing their education.	
9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	

STATEMENT OF OBJECTS AND REASONS

It is indeed a welcome step the educational loans are being given to students for pursuing higher education. Economically poor students, who could not earlier afford the cost of professional and higher education are also now in a position to pursue higher education because of education loan. However, the policy of giving education loan is deficient on many counts. It has no statutory backing or proper guidelines. Each bank has its own guidelines and fixes its own criteria for disbursing loan. Many banks often refuse the same on such frivolous and technical grounds. Guarantee and surety are always insisted upon before granting the loan. The rate of interest on such loan also varies from bank to bank. Students are harassed and have to run from pillar to post to get the loan disbursed. Students pursuing studies in private institutions and seeking admission in management quota are not given loan. Therefore, it is sought to ensure through the Bill that education loan should not be denied to any student. Any person who violates the guidelines framed for education loan shall be punished so that no bank dares to refuse loan to students. Further, many students after completion of their course do not get jobs. Thus, they are not in a position to repay the loan taken. In such cases, a policy or scheme for waiving of loans has been envisaged in the proposed Bill.

Hence this Bill.

NEW DELHI;
October 28, 2016

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the framing of a scheme for providing educational loans to students. Clause 8 provides for framing of a scheme for waiving off educational loan if, a student fails to secure any employment, five years after completion of his course. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 284 OF 2016

A Bill to provide for payment of the remunerative prices for the raw jute to the jute growers, compulsory purchase of raw jute by Government agencies, compulsory insurance of jute crops free of cost by the Central Government and certain welfare measures to be undertaken by the Central and the State Governments for the jute growers and jute workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Jute Growers and Workers (Welfare) Act, 2016.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "Fund" means the Jute Growers and Workers Welfare Fund constituted under section 4;

(c) "jute grower" means any person who cultivates Jute and obtains fibre therefrom;

(d) "jute worker" means any person engaged in jute related works as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or middleman; and

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall in consultation with the concerned State Governments fix and declare remunerative prices of raw jute under the Minimum Support Price regime on the basis of cost of production of jute before every sowing season.

Fixation of remunerative price of raw jute.

(2) while fixing the remunerative prices of jute under sub-section (1), the Central Government shall take into account the following factors, namely:—

(a) cost incurred by jute growers in sowing, growing and harvesting of jute and obtaining its fibre;

(b) cost incurred on seeds, fertilizers or manure, insecticides and pesticides;

(c) cost incurred on labour;

(d) maintenance cost of the field;

(e) cost incurred on transportation of raw jute to the market or yard or mandi or factory, as the case may be;

(f) climatic conditions and occurrence of natural calamity; and

(g) any other contingency expenditure incurred by jute growers.

(3) The appropriate Government shall give wide publicity to the remunerative prices fixed for raw jute under this Act through print and electronic media and the village Panchayats.

(4) The agencies of appropriate Government shall purchase the raw jute from the jute growers at the prices fixed by the Central Government in case the jute growers fail to sell their raw jute in the open market.

(5) It shall be the duty of the appropriate Government to keep a watch on the dubious activities of jute traders and middlemen during the immediate post harvest period to ensure that prices of raw jute do not fall as a result of speculation and take such measures, as it may deem necessary to protect the interests of Jute growers.

(6) The entire jute crop and the yield thereof shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of jute, fall in the prices of raw jute and such other eventualities as may be prescribed.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Jute Growers and Workers Welfare Fund with an initial corpus of rupees thirty thousand crore to be provided by the Central Government by due appropriation made by Parliament by law in this behalf.

Constitution of Jute Growers and Workers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from corporate houses, financial institutions, individuals, organisations or otherwise shall also be credited to the Fund.

5. The Fund shall be utilized for the following purposes, namely:—

Utilization of Fund.

(a) to provide financial assistance to jute growers for purchasing seeds, manure, fertilizers, pesticides, insecticides, and any other material necessary for cultivation of jute or prevent loss of crop due to natural calamities, fire or wild life;

(b) to pay compensation to the next of kin of jute grower or jute worker, as the case may be in the event of his death;

(c) to pay insurance premium on behalf of the jute growers;

(d) to provide free healthcare facilities for the jute growers and jute workers and their families including maternity facilities to the female members of the families;

(e) to provide education including technical, medical, higher education, and vocational training to the children of Jute growers and Jute workers free of cost;

(f) to provide financial assistance to the jute growers and jute workers in the event of their disability; and

(g) for such other purposes as the appropriate Government may deem fit and necessary for the purposes of this Act.

Appropriate Government to maintain register of Jute growers and Jute workers.

6. The appropriate Government shall,—

(i) maintain district-wise register of all the jute growers and jute workers with such particulars and in such manner as may be prescribed; and

(ii) make provisions for payment of old age pension to the jute growers and jute workers.

Central Government to provide funds.

7. The Central Government shall from time to time, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other laws.

9. The provision of this Act shall be in addition to and not in derogation of any other laws for the time being in force dealing with the subject matter of this Act.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The States of West Bengal and Bihar are the major Jute producing States of the nation. Though it is grown in some other States also but in small quantities mainly for local consumption. Jute fibre which is also known as golden fibre, used to hold a glorious position in our country. Even today jute is one of the main commercial crops of the country. Jute fibre is used to make bio-degradable, eco-friendly and cheap bags known as gunny bags used to keep wheat and other agricultural produce including sugar. Earlier almost every product used to be filled in jute bags but with coming of polymer synthetic bags in the market now jute bags are used only for foodgrains.

Of late, jute growers in West Bengal, Bihar and other parts of the country are facing various problems and they are not getting remunerative prices for their produce. Jute cultivation is becoming non-profitable for the growers due to various factors such as increase in the prices of jute seeds, fertilizers, manure, insecticides and pesticides and other inputs. Due to high investment involved in cultivation of jute, jute growers take loans on very high interest rates and unable to repay the loan becoming debt ridden and distressed. Since jute is a commercial crop, insurance facility is not available to the jute growers and the growing use of synthetic fibre bags is adding to the miseries of jute growers. In some cases their financial condition or getting into debt trap is compelling many of them to take extreme step of committing suicide.

Ours is a welfare state and therefore it is the responsibility of the Central Government to ensure the welfare of the Jute growers and their families. The Central Government should fix remunerative prices of Jute and implement various welfare measures for them and for the jute workers who are dependent on the jute crops for their employment and livelihood. Their condition is also pitiable because of the plight of jute growers. The Central Government has to establish a Welfare Fund for the jute growers and jute workers to meet their various need which will make them feel that our welfare State will take care of them.

Hence this Bill.

NEW DELHI;
October 28, 2016.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of the Jute Growers and Workers Welfare Fund with the initial corpus of rupee thirty thousand crore to be provided by the Central Government. Clause 6 provides for maintaining register and payment of old age pension to jute workers and jute growers. Clause 7 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The expenditure relating to States shall be borne out of the Consolidated Funds of the State Governments concerned. However, the expenditure relating to Union territories shall be borne out of the Consolidated Fund of India. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated rupee five thousand crore may be involved as recurring expenditure per annum from the Consolidated Fund of India.

A sum of rupee one thousand crore may also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

BILL NO. 276 OF 2016

A Bill to provide for protection of distressed handloom weavers who are debt ridden, exploited and are committing suicide for welfare measures like life insurance coverage, interest free working capital and consumption loan, healthcare, educational facilities to the children, availability of affordable raw material, modernisation of looms housing and compulsory purchase of handloom cloth by Government and for matters connected therewith and incidental thereto

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Handloom Weavers (Welfare) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the National Handloom Weavers Welfare Authority constituted under section 3;

(c) "Fund" means the Handloom Weavers Welfare Fund constituted under section 5;

(d) "handloom" means any loom used for production of cloth other than the powerloom as defined in clause (g) of section 2 of the Factories Act, 1948;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "weaver" means a person engaged in the production of cloth on a handloom and includes a person who owns, works or operates on a handloom for the production of cloth; and

(g) "worker" means a handloom worker engaged by a weaver and who earns wages on daily or any other basis by working on handloom.

Constitution
of the
National
Handloom
Weavers
Welfare
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in Official Gazette, constitute an Authority to be known as the National Handloom Weavers Welfare Authority for carrying out the purposes of this Act.

(2) The Authority shall consist of—

(a) a Chairperson having adequate knowledge and professional experience in handloom sector;

(b) a Deputy Chairperson with such qualification, as may be prescribed;

(c) three members to represent handloom cooperatives;

(d) three members to represent the handloom weavers;

(e) four members to represent the Union Ministries of Finance, Planning, Labour and Employment and Textiles, to be appointed by the Central Government in such manner, as may be prescribed;

(f) five members of Parliament, of whom three shall be from Lok Sabha and two shall be from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses; and

(g) four members to be nominated by the Government of the States on rotation basis in alphabetical order.

(3) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

(4) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such as may be prescribed.

(6) The headquarter of the Authority shall be at Hyderabad in the State of Andhra Pradesh.

(7) The Authority may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

(8) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

4. (1) The Authority shall, subject to guidelines issued by the Central Government in this regard, in coordination with the State Governments take, steps for the overall welfare of weavers including, removal of poverty and indebtedness, raising the standard of living, modernizing the looms and making easy availability of raw materials at affordable prices and marketing of handloom cloth.

Functions of
the Authority.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(a) formulate and implement welfare policy for the handloom weavers and workers;

(b) maintain records of handlooms existing in all villages, districts and other places throughout the country;

(c) maintain a district-wise register of handlooms, handloom weavers and workers with such particulars and in such manner as may be prescribed;

(d) regulate the service conditions of workers in such manner as may be prescribed;

(e) fix minimum wages for handloom workers from time to time;

(f) ensure modernization of old handlooms;

(g) encourage and provide all necessary assistance to handloom weavers cooperatives;

(h) organize exhibitions, melas and such other activities to promote handloom sector in different parts of the country;

(i) make suitable arrangements for purchase of handloom cloth by Government agencies on cash and carry basis;

(j) encourage export of handloom cloth and handloom garments; and

(k) perform such other functions as may be assigned to it by the Central Government from time to time.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Handloom Weavers Welfare Fund with a corpus of rupees five thousand crore.

Constitution
of the
Handloom
Weavers
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance or otherwise from individuals weavers, workers, body corporates, financial institutions, firms and partnerships.

(4) The Fund shall be administered by a Board of Trustees, which shall be constituted by the Central Government in such manner as may be prescribed.

(5) The Fund shall be utilized for the following purposes:—

(a) providing interest free consumption loans to handloom weavers and workers;

(b) making ex-gratia payments at prescribed rates to each of the bereaved families of handloom weavers who die in harness;

(c) providing loans at nominal rate of interest for purchasing cotton yarn and other necessary raw materials to the handloom weavers;

(d) providing insurance cover to handlooms, handloom weavers and workers;

(e) providing healthcare facilities to the handloom weavers and workers and their dependent family members;

(f) providing educational facilities and vocational training to the wards of weavers and workers; and

(g) such other welfare measures as may be prescribed.

Central Government to ensure regular supply of yarn.

6. (1) It shall be the duty of the Central Government to ensure regular supply of yarn to the handloom weavers at affordable and subsidized rates.

(2) It shall be compulsory for all Ministries, Departments, subordinate Offices under the appropriate Government and Public Sector Enterprises to purchase their entire cloth requirements exclusively from the primary handloom weavers.

(3) The appropriate Government shall ban the export of cotton and cotton yarn.

Central Government to provide Funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority such sums as may consider necessary for the efficient functioning of the Authority.

Annual Report.

8. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause the report submitted to it under sub-section (1) to be laid before each House of Parliament.

Power to remove difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Act not in derogation of any other law for time being in force.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In a vast nation like ours there are lakhs of handloom units in which millions of weavers and workers weave cloth on the looms to earn their livelihood. These handloom units are mainly located in Andhra Pradesh, Tamil Nadu, Uttar Pradesh, Bihar, Madhya Pradesh, Maharashtra and, in fact, handloom units are there in every part of our country. For most of the weavers, it is their family profession which passes on from one generation to other and their entire families are involved in this profession such as dyeing, bleaching, mercerizing, embroidery, printing, etc. For them, handloom is the only source of their livelihood and prosperity. Handloom cloth is very popular amongst the people not only in the country but also abroad, where it is in great demand. In fashion world too, it is very popular.

But, unfortunately, handloom sector is not doing very well and it is at the verge of collapse and extinction. The foremost reason for this is non-availability of cotton yarn at affordable prices. The cotton yarn, which is the principal raw material for handloom cloth has become very costly and it is difficult for the weavers to purchase it from the market. If it is purchased at market price, then the cloth become prohibitively costly for the buyers. This situation is leading to closure of the handloom units. One of the primary reasons of costly cotton yarn is the export of cotton and cotton yarn from the country resulting in scarce availability of yarn in the country. Other reasons are costly handloom cloth which has gone beyond the reach of common man, non-purchase of handloom products by the Government and its organisations, exploitation by private traders, non-availability of easy consumption and working loans from banks and other financial institutions resulting in exploitation of weavers by money-lenders, absence of welfare funds for the weavers and any statutory authority to watch their interest.

Another shocking factor is that this vital sector has been consistently ignored by the successive Governments at the Centre as well as in the States. As a result, the powerloom sector and cloth mills have invaded this sector. Their lobby is so strong that it has ensured non-implementation of the Handlooms (Reservation of Articles for Production) Act, 1985 by obtaining an injunction from the Court and no Government has tried to get it vacated from the Court. This way, the very purpose of enacting the law has been defeated. This way, it is very likely that the handloom sector may vanish in near future, if no concrete, remedial measures are taken to save this sector.

The most disturbing and sad part is that the frustrated handloom weavers, who are neck deep in debt trap are committing suicide in various parts of the country. Thousands of such hapless weavers have already ended their lives and much more are at the verge of doing so. The circle region of Andhra Pradesh is very much ahead in this regard. Reports of many starvation deaths of handloom weavers have also come to light, which is no doubt is a blot on our democratic polity. As such remedial measures have to be taken urgently so that handloom weavers and handloom factories are saved from extinction. It has, therefore, been proposed to establish the National Handloom Weavers Authority and also the Handloom Weavers Welfare Fund for the purpose. Some other miscellaneous provisions have also been proposed. This will certainly improve the lot of handloom weavers and save them from starvation and committing suicide in various parts of our nation.

Hence this Bill.

NEW DELHI;
October 28, 2016.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the National Handloom Weavers Welfare Authority. Clause 4 provides for certain steps to be taken by the Authority for welfare of handloom weavers and workers. Clause 5 provides for the constitution of the Handloom Weavers Welfare Fund. Clause 6 provides that the Central Government shall ensure supply of yarn to handloom weavers at subsidized rates. Clause 7 provides that the Central Government shall provide Funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 266 OF 2016

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2016.

Short title;
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Compulsory
voting.

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

Protection and safety for voters at polling booths.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

Sending of list of names of voters not casting their votes to the Government.

4. The Election Commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be.

Adequate number and spacing of polling booths.

5. (1) There shall be set up adequate number of polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly, as the case may be.

(2) The polling booths shall be set up in such a way—

(i) that number of voters in each booth shall be equal to the extent possible;

(ii) that the distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

Special arrangements for poll staff.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for senior citizens, etc.

7. There shall be made separate arrangement in every polling booth for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes.

Punishment.

8. Any person, who fails to cast his vote shall be liable to—

(i) A fine of rupees five hundred, or

(ii) two day's imprisonment, or

(iii) forfeiture of his ration card;

(iv) be rendered ineligible for contesting any election for a period of ten years from the date of his conviction;

(v) be ineligible for allotment of a plot or a house in a Government owned organisation;

(vi) be ineligible to get loan of any kind from any financial institution owned by the Government;

(vii) be ineligible for entitlement to any welfare scheme announced by the Government from time to time:

Provided that if such person is an employee of the Union Government or the State Government or the Union territory administration or any public sector undertaking owned or controlled by Union Government or the State Government or the Union territory administration, such person shall also be punished with—

(a) forfeiture of ten days 'salary; and

(b) delay in promotion for a period of two years.

9. Any person who, despite his illness or physical incapacity has exercised his rights to vote at an election or any person who has exercised his right to vote at all elections held during a period of fifteen years preceding the commencement of this Act without any break shall be—

Incentive for voting.

(i) given preference in jobs in the services under the Central Government; and

(ii) given preference in admission to the institutions of higher education.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is the largest democracy in the world having population of more than a billion. But it has been seen that only about thirty-five to forty per cent. of the eligible voters exercise their right to vote. During almost all the elections in the country, it has been observed that the number of actual voters is far below the number of eligible voters. Therefore, the average voting is very low. This type of electoral trend makes it clear to us that suitable steps are necessary to encourage the citizens to exercise their right to vote in order to elect their representative so that the results of the election show the will of all the electors and not just a segment of them.

In the last few elections, the problem of low voting percentage has become worse and the voting percentage has gone down even below thirty-five per cent. In many cases, citizens either deliberately avoid casting their votes or even boycott elections. Therefore, the Bill seeks to make voting compulsory for all the electors subject to certain restrictions so that the voting percentage in the country is increased. However, the citizens who are either physically incapacitated or have *bona fide* reasons have been given exemption under the Act.

Since voting is being made compulsory, punishment is also sought to be given to those who do not cast their votes. At the same time, incentives are also proposed for those who do exercise their right to vote without break or in spite of illness.

Hence this Bill.

NEW DELHI;
November 2, 2016

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty and for special arrangements for senior citizens, physically challenged persons and pregnant women to enable them to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees eight crore is likely to be involved.

A non-recurring expenditure of about rupees fourteen crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 321 OF 2016

A Bill to provide for the reservation of posts in the services of the Central Government and Public Sector Undertakings and seats in all classes of educational institutions for the persons living in economically backward areas in the country with a view to improving their living standard and expending them the benefits of progress made by the country after independence and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Reservation of Posts in Services and Seats in Educational Institutions for Persons Living in Economically Backward Areas Act, 2016.

2. In this Act, unless the context otherwise requires,—	Definitions.
(a) "economically backward area" means such areas declared as economically backward areas by the NITI Aayog;	
(b) "family" includes husband, wife, their dependent children and parents;	
(c) "person Living in economically backward areas" means a person living in economically backward area whose annual income does not exceed rupees thirty thousand per annum; and	
(d) "prescribed" means prescribed by rules made under this Act.	
3. The Central Government shall reserve thirty per cent. of posts in Central Government services and public sector undertakings for the persons living in economically backward areas.	Reservation of posts in Government services.
4. (1) There shall be reserved thirty per cent of seats in all classes of educational and training institutions for the persons living in economically backward areas; and	Reservation of seats in educational and training institutions.
(2) The expenditure on the education and training of persons admitted in educational and training institutions under sub-section (1) shall be borne by the Central Government after due appropriation made by Parliament by law in this behalf, from time to time.	
5. The benefits of reservation in posts and services and admission specified under this Act shall be provided only once to a family living in economically backward area.	Benefits under the Act to be given only once.
6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.	
7. (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	Act to have overriding effect.
(2) The provisions of this Act shall be in addition to, and not in derogation of any other law, for the time being in force.	
8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	

STATEMENT OF OBJECTS AND REASONS

After Independence, though there has been a lot of industrial, economic and educational development in the country, some areas like the tribal areas of Madhya Pradesh and drought prone Chhattisgarh region in the State, Kalahandi in Orissa, deserts of Rajasthan and Gujarat, the economically backward belt of Bihar and hilly regions of Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir remain deprived of the benefits of this development. Persons living in such economically backward areas of the country continue to suffer from abject poverty. Some of these areas have already been declared as backward areas by the NITI Aayog and by some State Governments as well.

In such areas there are very few industries and little economic activity. As a result, persons of these areas find it very difficult to earn their livelihood. Due to their abject poverty they do not get even two meals a day, leave alone education and other needs of life. As such they remain illiterate and are greatly exploited throughout their lives. To improve their lot it is necessary that posts are reserved in the services of the Central Government and public sector undertakings and in all types of educational institutions for persons living in economically backward areas of the country. It will not only improve the economic conditions of persons living in such backward areas but will also help in their educational advancement. It will be a good beginning for the welfare of persons living in economically backward areas of the country.

NEW DELHI;
November 4, 2016.

RAMA DEVI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall bear the entire expenditure on the education and training of persons living in the economically backward areas of the country. The Bill, therefore, if enacted, would involve a recurring expenditure of about rupees eighty crores per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 297 OF 2016

A Bill to provide for uninterrupted power supply to the industrial units operating in the industrially backward areas of the country by the Central Government to ensure the overall industrial development of such areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Provision of Uninterrupted Power Supply to Industries in Backward Areas Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires;

(a) "appropriate Government" means in the case of a backward State, the Government of that State and in all other cases, the Central Government;

(b) "backward area" means an area notified by the appropriate Government under section 3, which does not have the requisite industries proportionate to the size and population of the area;

14 of 1947.

(c) "industry" means an industry as defined in the Industrial Disputes Act, 1947;

(d) "prescribed" means prescribed by rules made under this Act; and

36 of 2003.

(e) Words and expressions used but not defined in this Act and defined in the Electricity Act, 2003 shall have the meaning assigned to them in that Acts.

3. The appropriate Government shall, within six months of the commencement of this Act, notify the backward areas within its jurisdiction in such manner as may be provided.

Appropriate Government to notify Backward Areas.

4. (1) The appropriate Government shall provide uninterrupted power supply to the industrial units operating within the territorial jurisdiction of a notified backward area in such manner as may be prescribed.

Government to maintain uninterrupted power supply of Industries.

(2) For the purposes of sub-section (1), the Central Government may, if it deems necessary so to do invite and promote private sector in establishing power generating units exclusively for the industrial sector in the notified backward areas.

5. The appropriate Government shall establish such number of new electricity generating stations as it may deem necessary, from time to time, exclusively for providing uninterrupted power to the industrial units operating within its territorial jurisdiction.

Appropriate Government to establish new generating stations exclusively for the Industries.

6. The Central Government shall, from time to time, carry out investigations and collect and record the data concerning the generation, distribution and utilisation of power throughout the country meant for the industrial sector and submit an annual report, in such form and in such manner as may be prescribed, to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Central Government to carry out investigation and collect data about the power availability to Industries in the country.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide, from time to time, adequate funds for carrying out the purposes of this Act.

Central Government to provide funds.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Industries and the backbone of every economy and the development of a country depends upon the development of its industries. A strong economy requires good industrial base. A developing country like ours needs a very solid industrial base in the modern globalisation period to face the stiff competition in the world market. Apart from the national level, industries are very vital at the State level also in a federal polity like ours to have a balance at the State and National level. But at present in our country some States are industrially backward. Take for instance the States of Bihar and Jharkhand and which having 40 per cent of the country's wealth but industrially it is the most backward area of the Union. Such backward States need rapid industrialisation but for a good industrial base one requires infrastructure like electricity, raw material, latest technology, trained technicians, cheap labour etc. apart from all round dedication for growth. But in our country unfortunately the basic requirement like power is not available in abundance which is hampering industrial growth. For instance the overall power generation is short due to poor performance of all the regions of the country during the period. The situation is more alarming in industrially backward areas like Bihar, Jharkhand and North-Eastern States. Apart from poor performance and less utilisation of installed capacity by State Electricity Boards whatever energy is generated, major share of it is consumed by domestic and agriculture sectors. The Industrial Sector is always left to fend itself. So in the absence of uninterrupted electricity supply a number of industrial units have to close down in the recent past. For example hundreds of Electric Arc furnaces which require uninterrupted electricity supply have been closed down in various parts of the country. It has left thousands of workers jobless and affected the production targets. Similar was the fate of other industries also.

According to Reserve Bank of India report as at the end of March 1991 there were 223809 sick/weak industries, both SSI and non-SSI with outstanding Bank credit of Rs. 10767.82 crores and majority of them were in backward States. Shortage of power was one of the reasons for the sickness/weakness of these industries. As such we have to give top-most priority to electricity generation for the survival and development of our industries particularly in the industrially backward State like Bihar etc. Hence it is proposed that it should be made obligatory for the Central Government to maintain uninterrupted power supply to the Industrial units of the country in general and of backward areas in particular. For this purpose the Government may involve the private sector and also establish power stations exclusively for the industrial sector in such States. The Central Government should also make adequate funds available for this purpose.

Hence this Bill.

NEW DELHI;
November 4, 2016.

RAMA DEVI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall provide uninterrupted power supply to the industrial units operating in notified backward areas. Clause 5 provides that the appropriate Government shall establish new electricity generating stations within its territorial jurisdiction. Clause 7 provides that the Central Government shall provide adequate funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crores would be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees one thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 300 OF 2016

A Bill to regulate clinical trials of various new drugs on patients being conducted by various pharmaceutical companies in the country to verify their clinical pharmacology or adverse effects; to determine their safety and efficacy; and to protect the interests of patients undergoing these trials in the absence of any information or contract by these companies and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Clinical Trial of Drugs on Patients (Regulation) Act, 2016.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "clinical trial" means the process of verifying the efficacy, safety and adverse effect of any new drug by pharmaceutical companies by testing it clinically on any patient with or without his consent;

(b) "Fund" means Clinical Trial Fund constituted under section 17;

(c) "pharmaceutical company" means any establishment contracting or outsourcing clinical trials of any drug on patients;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "Registry" means Clinical Trial of Drugs Registry established under section 4.

3. No pharmaceutical company shall conduct or outsource any clinical trial of a drug on any patient unless such clinical trial is registered under the provisions of this Act.

Pharmaceutical companies not to undertake clinical trial without registration.

4. (1) The Central Government shall, by notification in the Official Gazette, establish a Registry to be known as the Clinical Trial of Drugs Registry for the purposes of performing functions assigned under this Act.

Establishment of Clinical Trial of Drugs Registry.

(2) The Registry shall be headed by a Registrar and shall have such number of officers and employees as may be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarters of the Registry shall be at Lucknow.

(4) The salary and allowances payable to and terms and conditions of service of the Registrar, officers and employees of the Registry shall be such as may be prescribed.

5. (1) Every pharmaceutical company shall, within the period of one month of the commencement of this Act, make an application for the registration of clinical trial to the Registry in such form and in such manner as may be prescribed.

Registration of clinical trials.

(2) The Registry shall, within one month of the filing of the application under sub-section (1), either register the trial after verifying the fulfillment of the requirements under the provisions of this Act or reject the application.

(3) While rejecting any application for clinical trial under sub-section (2), the Registry shall give the reasons in writing to the concerned pharmaceutical company.

6. (1) Every pharmaceutical company or hospital or medical practitioner before conducting clinical trial shall explain the whole process to the patient and obtain his consent in writing.

Patient to be paid and explained the process of clinical trial.

(2) Every patient undergoing clinical trial shall be paid fifty thousand rupees by the pharmaceutical company conducting or outsourcing the trial of drugs before starting the trial.

(3) The hospital conducting the clinical trial shall ensure that the trial is conducted by the trained and qualified persons and ensure for its proper monitoring.

7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Clinical Trial Fund for the welfare of the patients undergoing clinical trial or their families in case the trial goes wrong.

Constitution of Clinical Trial Fund.

(2) The Fund shall be credited with such sums of money as may be contributed to it by the Central Government and the State Governments and the donations received from various voluntary organizations and individuals.

(3) The Central Government shall administer the Fund in such manner as may be prescribed.

Hospital to record and find reasons if trial goes wrong.

8. In case the trial goes wrong, it shall be the responsibility of the hospital conducting the clinical trial to record and find out the reasons and fix the responsibility:

Provided that if the trial goes wrong due to negligence, the patient or his immediate family member shall be entitled to claim damages from the hospital or pharmaceutical company, as the case may be.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money as it may think fit for being utilized for carrying out the purposes of this Act.

Penalty.

10. Whoever contravenes or attempts to contravene or abets in the contravention of the provisions of this Act shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to twenty lakhs rupees or with both.

Offences by companies.

11. Where a person committing a contravention of any of the provisions of this Act or of any rule made thereunder is a company, every person including any director, manager, secretary or other officer of the company who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

Explanation.— For the purpose of this section;—

(i) "Company" means any Corporate body and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Overriding effect.

13. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to clinical trial of drugs.

Power to make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

STATEMENT OF OBJECTS AND REASONS

In the near future, India is going to be the world's favourite destination for conducting clinical trials of various new drugs being manufactured by pharmaceutical giants in the world. These major pharmaceutical companies are outsourcing the clinical trials in our country in a big way. According to a study, the total market for clinical research activities in India is burgeoning. It has been further stated in the study that in coming years a large per cent of global clinical trials will take place outside the US and Western Europe and India would be the most favoured country. With the cut-throat competition, pharmaceutical companies are facing a lot of financial crunch due to spiraling Research and Development cost, and increasing overheads, therefore, outsourcing of clinical trial appears to be the viable option for them. By contracting such work to India, these companies can save from forty to sixty per cent of the cost. Trials conducted in the country are not limited to multinational companies but also to Indian pharma companies which are also conducting trial for research purposes in view of the new patent regime. There is no doubt that if India has to participate in new drug development then clinical trials are essential because the general use of drugs have to be tested in a variety of ethnic groups or different genetic or race profiles. Though our country can take advantage of this situation but at the same time, there are concerns which show that Indians are being used as guinea pigs for these clinical trials. Leading medical journals have noted how developing countries with poor and illiterate patients, weak legal framework, lax bureaucracy and financially crunched hospitals have become hunting grounds for pharma giants to test new drugs. The lucrative offers for trials are difficult to resist as they give plenty of money and promises.

Earlier young women were used as guinea pigs by researchers to test if anti-cancer drug Letrozole could be used to increase ovulation. According to a report published in Monthly Index of Medical Specialities in December, 2003, Letrozole belongs to Schedule G of the Drugs and Cosmetics Rules and can be sold only against prescription. But it was found out that many unauthorized practitioners had been prescribing and retailers selling the drug. In another case, new chemical entities discovered in the US were unlawfully tested on 26 oral cancer patients at the Regional Cancer Centre in Thiruvananthapuram. Fairplay requires the patient undergoing clinical trial should be explained the whole process of the trial and his consent may be obtained in writing. But, with the kind of money involved in these trials nobody bothers about these things. Further, in case the trial goes wrong, there is no legal remedy available in our country and the law is silent about any compensation to be paid to the patient on whom the trial was conducted. In US and UK, the patients on whom the trials are conducted are paid anywhere between two to three lakhs by the pharmaceutical companies. But, in India, the poor illiterate patients are not paid a single paisa and rather are obliged by the doctor informing them that they are being treated by an imported drug free of charge which they cannot afford.

It is also required in these cases that the trained persons should undertake the job of clinical trial which should be closely supervised and monitored and responsibility should also be fixed if the trial goes wrong. In view of the fact that extreme poverty and illiteracy make us susceptible to such trials and the law provides no assistance to the patients in conducting of clinical trials by pharma companies in our country, there is an urgent need for regulating this aspect covering the various aforesaid propositions.

Hence this Bill.

NEW DELHI;
November 4, 2016.

RAMA DEVI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Clinical Trial of Drugs Registry by the Central Government. Clause 7 provides for constitution of Clinical Trial Fund. Clause 9 provides that Central Government shall provide funds for being utilized for the purpose of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India to the tune of rupees twenty crore per annum.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 307 OF 2016

A Bill to provide for the protection of girl child and adolescent girls from malnutrition, anaemia and various diseases afflicting them and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh year of the Republic of India as follows :—

1. (i) This Act may be called the Girl Child and Adolescent Girls (Welfare) Act, 2016.

Short title,
extent and
commencement.

(ii) It extends to the whole of India.

(iii) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “adolescent girl” means a female who has attained puberty and is below the age of eighteen years;

(b) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) “girl child” means a female who is below the age of ten years;

(d) “parent” in relation to a girl child or adolescent girl, as the case may be, include mother, father, a guardian and every person who has the actual custody of such girl child or adolescent girl; and

(e) “prescribed” means prescribed by rules made under the Act.

National
Policy for the
protection
and welfare of
girl child and
adolescent
girls.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, but within one year of the commencement of this Act, formulate and publish in the Official Gazette, a national policy for the overall protection and welfare of the girl child and adolescent girls belonging to poor and middle class families in the society who are malnourished, anaemic and diseases prone and shall take appropriate measures for the uniform implementation of such a national policy.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1) such national policy may include provision for,—

(a) census or survey, from time to time, of girl child and adolescent girls who are malnourished in slum areas, Jhuggi-Jhopri clusters, backward and tribal areas and rural areas and maintain a data thereof in such manner and with such particulars, as may be prescribed;

(b) conducting a periodic medical examination of every girl child and adolescent girl covered under this Act from time to time and taking such remedial measures as are recommended by the medical authorities;

(c) making it mandatory for the appropriate Government to provide folic acid and multi-vitamin tablets to every malnourished and anaemic girl child and adolescent girl;

(d) providing a monthly allowance of not less than two thousand rupees to every malnourished girl child and adolescent girl covered under this Act for taking healthy meals in such manner as may be prescribed;

(e) providing sanitary napkins and proper dresses to the adolescent girls covered under this Act in such manner as may be prescribed.

Certain
welfare
measures for
the girl child
and
adolescent
girls.

4. (1) It shall be the duty of the appropriate Government to provide every girl child and adolescent girl covered under this Act—

(a) medical facilities including medicines and hospitalization wherever necessary free of cost ;

(b) educational facilities including technical, medical, vocational, information technology and higher education at the college and university level free of cost;

(c) recreational, entertainment and playing facilities;

(d) such other welfare and protective measures as may be deemed necessary and appropriate or as may be prescribed.

(2) It shall be the duty of every parent of a girl child or adolescent girl covered under this Act,—

(a) to send the girl child or adolescent girl, as the case may be, to an educational institution for getting education as per her age;

(b) not to burden the girl child or adolescent girl, as the case may be, with household chores and allow her to study, play and entertain;

(c) Not to pledge or force the girl child or adolescent girl, as the case may be, to work as a domestic servant.

(3) No person shall employ a girl child or adolescent girl as domestic servant or in any establishment in any manner whatsoever.

5. Whoever contravenes the provisions of sub-section (2) or (3) of section 4 shall be punishable with imprisonment for a term which shall not be less than one year but may extend upto three years and also with fine which may extend upto two lakh rupees. Penalty.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, to the State Governments for carrying out the purposes of this Act. Central Government to provide funds.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. Act to supplement other laws.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications, or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Malnutrition and anaemia is prevalent among the girl child and adolescent girls in all the States and regions of the country. India has the highest number of malnourished and anaemic girl child and adolescent girls. It is very unfortunate that girl child and adolescent girls in major parts of our vast nation remain neglected, malnourished and suffer from anaemia and various diseases. In some parts they are married off before becoming adult and majority of such malnourished *Balika Vadhus* meet pre-natal and post-natal deaths. They are not treated well in their own families. They are either not given nutritious meals or their families cannot afford nutritious meals for them. In some cases, they don't even get two square meals. Majority of them are forced to work as domestic maids etc. They remain illiterate and exploited.

Ours is a welfare State and it is the duty of the State to take care of these malnourished girl child and adolescent girls and initiate welfare measures for them.

Hence this Bill.

NEW DELHI;
November 7, 2016.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall formulate a National policy for the protection and welfare of girl child and adolescent girls. Clause 4 provides for certain welfare measures for the girl child and adolescent girls. Clause 6 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefor, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees twenty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 296 OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 17th day of June, 1995.

Amendment
of article 16.

2. In the Constitution, in Part III, in article 16, for clause (4A), the following clause shall be substituted, namely:—

“(4A) Notwithstanding anything contained elsewhere in the Constitution, the Scheduled Castes and the Scheduled Tribes notified under article 341 and article 342, respectively, shall be deemed to be backward and nothing in this article or in article 335 shall prevent the State from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes to the extent of the percentage of reservation provided to the Scheduled Castes and the Scheduled Tribes in the services of the State.”.

STATEMENT OF OBJECTS AND REASONS

The Scheduled Castes and the Scheduled Tribes have been provided reservation in promotions since 1955. This was discontinued following the judgment in the case of *Indra Sawhney Vs. Union of India*, wherein it was held that it is beyond the mandate of Article 16(4) of the Constitution of India. Subsequently, the Constitution was amended by the Constitution (Seventy-seventh Amendment) Act, 1995 and a new clause (4A) was inserted in article 16 to enable the Government to provide reservation in promotion in favour of the Scheduled Castes and the Scheduled Tribes. Subsequently, clause (4A) of article 16 was modified by the Constitution (Eighty-fifth Amendment) Act, 2001 to provide consequential seniority to the Scheduled Castes and the Scheduled Tribes candidates promoted by giving reservation.

The validity of the constitutional amendments was challenged before the Supreme Court. The Supreme Court while deliberating on the issue of validity of Constitutional amendments in the case of *M. Nagaraj Vs. UOI & Ors.*, observed that the concerned State will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation in promotion.

Relying on the judgment of the Supreme Court in *M. Nagaraj* case, the High Court of Rajasthan and the High Court of Allahabad have struck down the provisions for reservation in promotion in the services of the State of Rajasthan and the State of Uttar Pradesh, respectively. Subsequently, the Supreme Court has upheld the decisions of these High Courts striking down provisions for reservation in respective States.

It has been observed that there is difficulty in collection of quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment. Moreover, there is uncertainty on the methodology of this exercise.

Thus, in the wake of the judgment of the Supreme Court in *M. Nagaraj* case, the prospects of promotion of the employees belonging to the Scheduled Castes and the Scheduled Tribes are being adversely affected.

Demands for carrying out further amendment in the Constitution were raised by various quarters. A discussion on the issue of reservation in promotion was held in Parliament on 3.5.2012. Demand for amendment of the Constitution in order to provide reservation for the Scheduled Castes and the Scheduled Tribes in promotion has been voiced by the Members of Parliament. An All-Party Meeting to discuss the issue was held on 21.08.2012. There was a general consensus to carry out amendment in the Constitution, so as to enable the State to continue the scheme of reservation in promotion for the Scheduled Castes and the Scheduled Tribes as it existed since 1995.

In view of the above, the Government has reviewed the position and has decided to move the constitutional amendment to substitute clause (4A) of article 16, with a view to provide impediment-free reservation in promotion to the Scheduled Castes and the Scheduled Tribes and to bring certainty and clarity in the matter. It is also necessary to give retrospective effect to the proposed clause (4A) of article 16 with effect from the date of coming into force of that clause as originally introduced, that is, from the 17th day of June, 1995.

Shri V. Narayanasamy, the then Minister of State for Personnel, Public Grievances and Pensions introduced the Constitution (One Hundred Seventeenth Amendment) Bill, 2012 in Rajya Sabha on 5.9.2012. The Bill was passed by Rajya Sabha on 17.12.2012 and transmitted to Lok Sabha. However, the Bill lapsed on dissolution of fifteenth Lok Sabha.

Therefore, in the interest of welfare of the Scheduled Castes and the Scheduled Tribes and also in view of the demand made by various organisations of the Scheduled Castes and Scheduled Tribes, the present Private Member Bill has been brought.

BILL NO. 10 OF 2017

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2017.

(2) It shall come into force on such a date, as the Central Government may, by notification in the official Gazette, appoint.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XXII.-*Jharkhand*, after entry 32, the following entry shall be inserted, namely:—

"32A. Kudmi (Mahato).".

STATEMENT OF OBJECTS AND REASONS

Jharkhand is predominantly a tribal State. It was on account of its tribal identity that the movement for its creation became a success. There are a large number of tribal people known as Kudmi (Mahato), who are living in the State but have not been included in the list of Scheduled Tribes of the State of Jharkhand.

As a result, the persons belonging to the Kurmi/Kudmi tribe are not getting the benefits, which are otherwise available to the Scheduled Tribes in the State. Even before the segregation of the State of Jharkhand from the State of Bihar and since India's Independence, as a result of the oscillating policy adopted by the Government of Jharkhand and the Central Government, the issue of including Kurmi/Kudmi (Mahato) tribes of Chota Nagpur into the list of Scheduled Tribes has been lying pending. The State Government of Jharkhand in the year 2004 recommended to the Central Government for inclusion of Kudmi (Mahato) in the list of the Scheduled Tribes for the reason that in 1913 and in 1931 the said tribes figured in the list of Scheduled Tribes. However, with effect from the year 1950 and the year 1952, this tribe was removed. Reasons for the said removal from the list have not been spelled out. Keeping in mind the demands being raised to include the said tribe into the list of Scheduled Tribes, the Central Government should seriously take a relook about the inclusion of this tribe into the list of Scheduled Tribes.

Nearly about two crore people belonging to Kurmi/Kudmi community are residing in the district of East Singhbhum, Saraikela Karsawan, West Singhbhum, Ranchi, Hazaribagh, Dhanbad, Giridih, Bokaro, Ramgarh, Palamu, Godda, Jamtara of State of Jharkhand; district of Purulia, Bankura, East Midnapur and West Midnapur of State of West Bengal and Mayurbhanj, Kendujhar, Sundergarh districts of State of Odisha. In Jharkhand alone, about twenty seven per cent. of the population belongs to Kurmi/Kudmi (Mahato) tribe which is the single largest population of a particular tribe. In these three States, despite being tribals, they are not getting the facilities meant for the tribals. Their culture, living standards, way of worship, social living are similar to those of the tribals. Most of the people belonging to this tribe reside in forest areas like other tribals. People belonging to this tribe are extremely backward on social, economical and educational aspects. Sale and purchase of land belonging to the tribals is being regulated by the Chotanagpur Tenancy Act, 1908 in the State of Jharkhand. Sale and purchase of land can be undertaken only among the people of same tribes. Keeping in view, their ways of living, cultural and socio-economic condition, the British had included the Kurmi/Kudmi (Mahato) tribe of Jharkhand Chota Nagpur into the list of tribes. Under a well thought out strategy, the Kurmi/Kudmi (Mahato) was not included in the 1950 and 1952 lists of Scheduled Tribes.

Therefore, the Kurmi/Kudmi (Mahato) tribe must be included in the list of Scheduled Tribes in respect of Jharkhand State.

Hence this Bill.

NEW DELHI;
December 2, 2016.

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Kudmi (Mahato) Community in the list of Scheduled Tribes in respect of the State of Jharkhand. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure will be involved.

BILL NO. 7 OF 2017

A Bill to designate certain States as sponsor of terrorism, to provide for withdrawal of trade relations with such States, to create legal, economic and travel sanctions for the citizens of such States and for matters connected therewith or incidental thereto.

WHEREAS the Islamic Republic of Pakistan propagates and harbours agents of international terror who have repeatedly attacked the territory and people of the Republic of India and there is an urgent need to co-ordinate activities at the international and national level to ensure the best response to protect the interests of the Republic of India and its citizens;

AND WHEREAS the Islamic Republic of Pakistan poses a continual risk to the peace and security of the region so long as it continues to harbour agents of terror and propagates acts of terror against the territory and citizens of the Republic of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Declaration of States as Sponsor of title and Terrorism Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "abet" includes—

(i) the communication or association with any person or class or persons who is engaged in assisting in any manner terrorists and disruptionists;

(ii) the passing on or the publication of, without any lawful authority, any information likely to assist the terrorists or disruptionists or the passing on or the publication or distribution of any document or matter obtained from terrorists or disruptionists;

(iii) the rendering of any assistance, whether financial or otherwise, to terrorists or disruptionists; and

(iv) the failure to apprehend and punish, as per the laws of such country, persons involved in any terrorist act against the people or any section of the people in India;

(b) "terrorist act" means doing of any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with the intent to strike terror in the people or any section of the people in India, or in any foreign country, or with the intent to influence by threat or likely to influence by the threat the Government of India or an international Government organisation—

(i) by using bombs, dynamites or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means or whatever nature to cause—

(a) death of, or injuries to any person or persons: or

(b) loss of, or damage to or destruction of property: or

(c) disruption of any supplies or services essential to the life of the community in India or in any foreign country: or

(d) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies: or

(ii) by overawing by means of criminal force or the show of criminal force of attempt to do so or causes death of any public functionary: or

(iii) by designing to seriously interferes with or seriously disrupts an electronic system, computer system or network or to attempt to do so: or

(iv) by providing support by means of sponsoring or making provisions, including by non-enforcement of any law to prevent the same for the training of any militia paramilitary or guerrilla forces to wage proxy war against the Government of India: or

(v) by detaining, kidnapping or abducting any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.

Explanation I.— For the purposes of this section, public functionary means the constitutional authorities and any other functionary notified in the Official Gazette by the Central Government as a public functionary under the Unlawful Activities (Prevention) Act, 1967.

Explanation II.— For the purposes of this section, a terrorist act shall include an act of terrorism involving citizens or the territory of more than one country.

Explanation III.— Without prejudice to the foregoing provisions and unless the context otherwise requires the term 'terrorism' shall mean premeditated violence motivated by any political, religious, radical or ideological cause perpetrated against 'non-combatant' targets by sub-national groups or clandestine agents.

Explanation IV.— For the purposes of this section, the term 'non-combatant' implies, in addition to civilians, those military personnel (whether or not armed or on duty) who are not deployed in a war zone or even if they are deployed in a war zone, they are not directly taking part in hostilities;

(c) "State sponsor of terrorism" means the country specified in the Schedule to this Act and shall include such other countries as so designated by the Central Government by notification in the Official Gazette and included in the Schedule to this Act.

3. (1) Whoever being a head of the State sponsor of terrorism or member of the Government of such State or a citizen or a body corporate belonging or affiliated to a country designated by the Central Government as a State sponsor of terrorism and included in the Schedule to this Act shall be subject to the following prohibitions—

Prohibitions.

(a) he shall be prohibited to travel within the territory of India and shall not be eligible for the grant of visa;

(b) he shall be prohibited from trading with any individual, entity or body corporate in India;

(c) he shall be prohibited from receiving or making grants, financial remittances, investments or assets of any description whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located, or providing or receiving financial assistance or aid from or to any individual entity or body corporate in India;

(d) he shall be subject to prohibition of undertaking maritime activities including but not limited to fishing or trawling or entering the territorial waters of India;

(e) he shall be prohibited from overflight over the geographical boundaries of India.

(2) The status of most favoured nation or favoured nation granted to the State Sponsor of terrorism nation shall be deemed to have been withdrawn from date of coming into force of this Act.

(3) The States which sponsor terrorism and do not initiate any action against the terrorist leaders, terrorists and their camps shall be declared as "State of and for terrorist".

(4) The Central Government may, if it deems appropriate, relax the prohibition referred to in clauses (a) to (e) of sub-section (1).

Restrictions for aiding and abetting States sponsor of terrorism.

4. (1) Any individual being a head of the State, member of the Government, a citizen or a body corporate of another country, who abets the State sponsor of terrorism shall be subject to such prohibitions referred to in sub-section (1) of section 3 as the Central Government may deem appropriate.

(2) The Central Government may, if it deems appropriate, relax the prohibitions of sub-section (1).

Liability of officials of States sponsor of terrorism.

5. (1) The Central Government may, by notification in the Official Gazette, revoke the diplomatic immunity of officials of a State sponsor of terrorism and make such officials amenable to the jurisdiction of the courts in India.

(2) Notwithstanding anything contained in other law for the time being in force, an official of a State designated as sponsor of terrorism shall not be immune from any suit brought against him in any Court in India in which monetary damages and compensation are sought against such State for causing physical injury to persons or damage to property or death of persons by an act of terrorism.

Opposition to assistance by International Financial Institutions States sponsor of terrorism.

6. The Government of India shall use all available diplomatic means including its voting power to oppose any loan or other use of funds of any International Financial Institution to a State sponsor of terrorism.

Explanation.—In this section, the term 'International Financial Institution' includes the International Bank for Reconstruction and Development and the International Monetary Fund.

Prohibition on trade and investment.

7. (1) No individual, or body corporate shall import into or export from the territory of India any goods or services from or into any country which has been designated as a State sponsor of terrorism.

Explanation.—In this sub-section, the term 'import into or export From the territory of India' shall include transactions in foreign exchange or transfer credit or payment between any banking institution or a national thereof or import or export of currency or securities to and from a State sponsor of terrorism.

(2) No individual or body corporate shall make any new investment in a State sponsor of terrorism or in property owned or controlled by the Government of such a State or a national thereof.

Offences and penalties.

8. (1) Whoever contravenes any provision of this Act, or otherwise deals in any manner whatsoever, with a State sponsor of terrorism, shall be punished with imprisonment for a term which may extend to five years or with fine or with both.

(2) An offence punishable under this Act shall be cognizable.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See sections 2(c) and 3(I)]

1. The Islamic Republic of Pakistan

STATEMENT OF OBJECTS AND REASONS

Our country and indeed countries in the region and around the world have been subjected to numerous terror attacks, from organisations and individuals based in Pakistan and with the support of elements in the Government of Islamic Republic of Pakistan. India in particular has suffered numerous attacks like 26/11 Mumbai and most recent attack in Uri on September 18, 2016. There has been widespread International condemnation of the attack and also of the Islamic Republic of Pakistan by most Nations.

Despite undeniable evidence to substantiate that the Islamic Republic of Pakistan sponsors terror in India, we have continued to remain engaged diplomatically, culturally and economically with the Islamic Republic of Pakistan for decades.

The strategic restraint practiced by India in the last decade has come at a heavy price. Several hundred brave men of our security forces and citizens have been killed in various terror attacks on our soil.

The Islamic Republic of Pakistan continues to provide safe heaven to dreaded terrorists like Hafeez Saeed and terrorist organizations like the Taliban, Al-Qaeda, Jama'at-ud-Da'wah, Jaish-e-Mohammad, the Haqqani Network, Lashkar-e-Toiba among many others.

This proxy war being waged against India has also forced us to incur unprecedented economic expenditure.

While we are looking at the international community to recognize and declare Pakistan as a terror state, it is for us, as the most affected country, to take the first step towards this. We must go beyond merely condemning the attacks on our sovereignty time and again and take a decisive and strong step to declare the Islamic Republic of Pakistan a terror state.

This Bill underlines our strong condemnation of Islamic Republic of Pakistan's propagation and sponsorship of international terror and recognises its role in providing a safe heaven to dreaded terrorists and terror organisations and its active role in abetting and aiding infiltration of terrorists from its soil into India.

Pakistan poses a continual risk to the peace, security and stability of the region. The Bill, therefore, seeks to terminate and prohibit further economics, trade, sports and cultural agreements with Pakistan. It also prescribes repealing the Most Favoured Nation status given by India to Pakistan and also the Indus Water Treaty.

Hence this Bill.

NEW DELHI;
December 2, 2016.

ARVIND SAWANT

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 40 OF 2017

A Bill to provide for compulsory teaching of North-East Culture in all educational institutions and for all matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Compulsory Teaching of North-East Culture in Educational Institutions Act, 2017.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Advisory Council" means the Advisory Council for Education in North-East Culture constituted under section 6;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "educational institution" means a primary, middle, secondary or senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) "North-East Culture" includes knowledge and understanding of history, ethos and culture of North-East part of India; and

(e) "prescribed" means prescribed by rules made under this Act.

3. From such date as the Central Government may, by notification in the official Gazette, specify, the North-East Culture shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of Advisory Council.

Compulsory teaching of North-East Culture in Educational Institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue direction for compulsory teaching of North-East Culture in all educational institutions within its jurisdiction.

Appropriate Government to issue direction for compulsory teaching of North-East culture in educational institutions.

5. Subject to such matters, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching North-East culture in educational institutions.

Appointment of teachers for North-East Culture.

6. (1) The Central Government shall, within three months of the coming into force of this Act, by notification in the official Gazette, constitute an Advisory Council for Education in North-East Culture.

Advisory Council for imparting North-East Culture.

(2) The Advisory Council shall consist of such number of persons, having special knowledge or practical experience of the history and culture of North-East part of India, as the Central Government may deem fit.

7. The Advisory Council shall perform the following functions, namely:—

Functions of Advisory Council.

(a) recommend to the Central Government the syllabus of North-East Culture for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the North-East Culture shall be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching North-East Culture;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in North-East Culture for the purpose of their appointment in educational institutions; and

(e) co-ordinate with the appropriate Government and educational institutions with a view to ensuring effective implementation of the provisions of this Act.

De-
recognition
of educational
institutions
for non-
compliance of
the provisions
of the Act.

8. The appropriate Government shall de-recognize an educational institution which does not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Central
Government
to provide
funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for carrying out the purposes of this Act.

Overriding
effect of the
Act.

10. The provisions of this Act shall effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

11. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Bezbaruah Committee Report, 2014 raised the concerns of discrimination faced by the people from the eight North-Eastern States, *i.e.* Assam, Arunachal Pradesh, Manipur, Tripura, Sikkim, Nagaland, Meghalaya and Mizoram who are living in other States of the country. As per the Report, there is sense of insecurity and vulnerability due to difference and wrong perception of the culture of the North-Eastern States of India. Further, when people from North-East States go to different cities especially metropolitans such as Delhi, Mumbai and Bengaluru for work or studies, they are not only stigmatized but face racial abuse and violent attacks. Thus, one of the major recommendations by the Bezbaruah Committee is to educate the people about the North-East culture.

It is important to teach and create awareness about the culture of North-East India in educational institutions. The imparting of knowledge about North-East culture in educational institutions is a resilient way to celebrate the cultural difference and will further creates a safer environment for people from North-East who are residing in other States.

The Bill, therefore, seeks to provide for imparting education of North-East culture compulsorily in all educational institutions.

Hence this Bill.

NEW DELHI;
February 8, 2017.

NINONG ERING

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of teachers for imparting North-East culture in educational institutions. Clause 6 provides for constitution of an Advisory Council for Education in North-East culture. Clause 9 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five hundred crores will be involved.

A non-recurring expenditure of about rupees five hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 42 OF 2017

A Bill to promote quality skill education in an integrated manner with higher education in the context of the demographic dividend and meeting the qualified skill requirements of a growing national economy and for that purpose to address gaps in the institutional delivery framework in skill education by establishing National Skills Universities as institutions of national importance for imparting skill education and to develop qualified youth with skill proficiencies and standardised competencies around national principles and to provide for certain other matters connected with such institutions or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Skills Universities Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of National Skills University to be institution of national importance.

2. Whereas the objects of every National Skills University, established under this Act, are of national importance, it is hereby declared that every such Skills University shall be an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,

(a) “academic quality” means the quality of skills education, teaching and learning and includes physical infrastructure, human resources (including faculty and trainers), administration, curricula, skills training, admission, assessment and evaluation procedures, governance structures, and students job placements of the institution of skills education;

(b) “accreditation” with the grammatical variations means the process of quality control in skills education, whereby, as a result of evaluation or assessment or by any other scientific method, an institution of skills education or training establishment is recognized by it as conforming to specific parameters of academic quality and benchmarking of such academic quality determined by the national Skills University;

(c) “affiliation” together with its grammatical variations, includes, in relation to an institution of skills education or training establishments either government or privately owned, recognition of such institution and training establishment by, association of such institution and training establishment with, and admission of such institution and training establishments to the privileges of, the National Skills University;

(d) “All India Council for Technical Education” means the All India Council for Technical Education established under the All India Council for Technical Education Act, 1987;

52 of 1987.

(e) “appointed day” means the date of establishment of the National Skills University established under sub-section (1) of section 5;

(f) “appropriate Government” means in respect of matters relating to the National Skills University located in—

(i) a Union territory without Legislature, the Central Government; or

(ii) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of puducherry; or

(iii) A State, the State Government;

(g) “appropriate State Legislature” means such Legislature of the State or Union Territory as has jurisdiction over the matter;

(h) “Board”, in relation to any National Skills University, means the Board of Governors referred to in sub-section (1) of section 11;

(i) “certificate” means such award granted by any National Skills University certifying that the recipient has successfully completed a course of study of less than nine months duration;

(j) “Chancellor” means the Chancellor of the National Skills University appointed under sub-section (3) of section 11;

(k) “competency” means the ability to use acquired knowledge and learning and development of character for performing a job role successfully or efficiently;

(l) “Council” means the Council of National Skills Universities established under sub-section (1) of section 28;

- 20 of 1972. (m) "Council of Architecture" means the Council of Architecture constituted under the Architects Act, 1972;
- (n) "credit framework" means the framework, developed by the National Skills University, built on measured units of education, skills and learning credits for a student to achieve the competency for performing a job role successfully or efficiently;
- (o) "curriculum package" means the competency based curriculum package consisting of syllabus, textbooks, student's manual, trainers guide, training manual, assessment and evaluation guidelines and all such material, including electronic material, required to impart skills education and teaching to prepare a student to acquire the performance outcomes, skills and competencies required of a person engaged or likely to be engaged, in a particular job role;
- (p) "degree" means any such degree, as may be, with the previous approval of the Central Government and the National Skills Qualification Committee, listed in the national Qualifications Register maintained by the National Skills Development Agency;
- (q) "diploma" means such award, not being a degree, granted by any National Skills University certifying that the recipient has successfully completed a course of study of not less than nine months duration;
- 59 of 1961. (r) "Indian Institute of Technology" means Indian Institute of Technology incorporated as such by the Institutes of Technology Act, 1961;
- 2 of 1882.
1 of 2013.
21 of 1860. (s) "industry partner" means an individual, or a trust established under the Indian Trusts Act, 1882, or company established under the Companies Act, 2013, or society formed and registered under the Societies Registration Act, 1860, or a combination of one or more of such industry partner, and providing, in partnership with an appropriate Government, funds for capital investment for establishment of a National Skills University and for its maintenance;
- 102 of 1956. (t) "Indian Medical Council" means the Indian Medical Council established under the Indian Medical Council Act, 1956;
- (u) "National Council for Vocational Training" means the National Council for Vocational Training established by that name by the Central Government;
- 29 of 2007. (v) "National Institute of Technology" means an institution listed in the Schedule to the national Institutes of Technology Act, 2007;
- (w) "National Occupational Standards" means National Occupational Standards developed by Sector Skill Councils or by the National Skills University concerned and defines the measurable performance outcomes, skills and competencies required of a person engaged or likely to be engaged, in a particular job role forming the benchmarks for education, training or recruitment for particular employments;
- (x) "National Skill Development Agency" means the National Skill Development Agency notified as such by the Central Government;
- (y) "National Skill Development Corporation" means the National Skill Development Corporation notified as such by the Central Government;
- (z) "National Skill Qualification Framework" means the qualifications assurance framework for skills, notified as such by the Central Government, based on national principles, organizing qualifications according to a series of levels of knowledge and skills defined in terms of learning outcomes regardless of how such knowledge skills or competency is acquired;
- (za) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(zb) “Pharmacy Council of India” means the Pharmacy Council of India established under the Pharmacy Act, 1948;

8 of 1948.

(zc) “prescribed” means prescribed by rules made under this Act;

(zd) “prospectus” includes any publication, whether in print or otherwise, issued for providing fair and transparent information, relating to a National Skills University or an institution of skills education affiliated to it, to the general public (including those seeking admission in such institution) by such Skills University or such institution;

(ze) “public private partnership” means such partnership which provides for establishment of a National Skills University involving collaboration between the Central Government, appropriate Government and the industry partner or industry partners;

(zf) “Schedule” means the Schedule to this Act;

(zg) “Sector Skill Council” means such Sector Skill Council recognised as such, by the National Skills Development Corporation, for any sector of the economy, or a part of it;

(zh) “Senate”, in relation to any Skill University, means the Senate thereof;

(zi) “skills” means the qualification and competency achieved through education and learning for performing a job role successfully and efficiently;

(zj) “Skills University” means any National Skills University notified by the Central Government under sub-section (1) of section 5 and included in the Schedule to this Act;

(zk) “Statutes” and “Ordinances”, in relation to any Institute, mean the Statutes and Ordinances of that Skills University made under this Act;

(zl) “Vice Chancellor” means the Vice Chancellor of the National Skills University appointed under sub-section (3) of section 17; and

(zm) “Visitor” means the President of India.

CHAPTER II

ESTABLISHMENT OF NATIONAL SKILLS UNIVERSITY

Agreement for establishment of National Skills University.

4. (1) The Central Government may, with the concurrence of an appropriate Government, establish, either with or without public-private partnership, a National Skills University in such State under this Act.

(2) For the purposes of establishment of a Skills University in the public-private partnership mode, the appropriate Government shall identify one or more industry partners for collaboration and submit a proposal to the Central Government in such form and manner as may be prescribed.

(3) For the purposes of establishment of a Skills University without public-private partnership, an appropriate Government shall submit a proposal to the Central Government in such form and manner as may be prescribed.

(4) The Central Government shall examine the proposal, referred to in sub-section (2) or (3), on the basis of such criteria as may be prescribed and such criteria shall include the following, namely:—

(a) the capital investment required for establishing the proposed Skills University and its phasing;

(b) the expertise and standing of the industry partners referred to in sub-section (2);

(c) the assessment of the capability and financial and other resources of the industry partners referred to in sub-section (2), if any, to support the Skills University;

(d) the availability of adequate land, free of cost, for establishment of the Skills University;

(e) the availability of, or the commitment of the appropriate Government to make available, adequate physical and social infrastructure at the proposed site for establishment of the Skills University;

(f) the commitment of the appropriate Government and the industry partners referred to in sub-section (2), if any, for supporting the Skills University after its establishment.

(5) The Central Government may suggest modifications to the proposal submitted to it under sub-section (2) or (3).

(6) The Central Government shall, on acceptance of the proposal, referred to in sub-section (2) or (3), with modifications, if any, under sub-section (5), enter into an agreement with the appropriate Government and the industry partners, if any, for the establishment of the proposed Skills University, subject to the provisions of this Act and the rules made thereunder.

(7) Every agreement referred to in sub-section (6) shall contain,—

(a) the name and location of the Skills University in the State;

(b) the appointed date on which the Skills University shall be established;

(c) the capital investment in establishment of the Skills University, the respective shares in such capital investment of the Central Government, appropriate Government and industry partners, if any, and the phasing of such capital investment over a period of five years;

(d) the first Statutes of the Skills University;

(e) the commitment of the Central Government, appropriate Government and industry partners, if any, in ensuring autonomy to the proposed Skills University.

(8) Where a proposal submitted by the appropriate Government under sub-section (2) or (3), with modifications, if any, under sub-section (5), is not acceptable to the Central Government, it shall communicate its decision to that appropriate Government, specifying the reasons for such decision.

5. (1) On the agreement being entered into under sub-section (6) of section 4 for the establishment of the Skills University, the Central Government shall, by notification, include in the Schedule, such Skills University with such name, location and such appointed date, as may be specified in the notification; and different notifications may be issued for different Skills Universities.

Establishment
of National
Skills
University.

(2) On and from the appointed day, each Skills University as may be established under sub-section (1) shall be a body corporate by such name as is indicated in the Schedule, having perpetual succession and a common seal, with power to acquire, hold and dispose of the property, both movable and immovable, and to contract, and shall, by that name, sue or be sued.

6. Every Skills University shall be not-for-profit legal entity and no part of the surplus, if any, in revenue of such Skills University, after meeting all expenditure in regard to its operations under this Act, shall be invested for any purpose other than for the growth and development of such Skills University or for the attainment of its objects.

National Skills
University as
not-for-profit
legal entity.

CHAPTER III

NATIONAL SKILLS UNIVERSITY

Objects of
national Skills
University.

7. The objects of every Skills University shall be to—

(a) emerge as one amongst the foremost institutions of quality in skills education recognised by industry, nationally and internationally;

(b) develop qualified youth with skill proficiencies and competencies at different levels built on national principles of skills education;

(c) promote skills education in an integrated and holistic manner with higher education so as to ensure pathways for progression and mobility across forms of education and skills;

(d) provide opportunities for flexible learning systems and provide a medium for lifelong learning and skill development;

(e) engage and promote constant engagement with industry to understand the skilled manpower needs of industry and build partnerships for youth to learn in a practical and real-world environment;

(f) develop competent, skilled and capable youth imbued with skills, learning and the spirit of entrepreneurship to meet the skilled employment needs of the country and the world;

(g) promote and maintain transparency of the highest order in matters of admission, appointments, evaluation, accreditation, administration and finance.

Autonomy,
powers and
functions.

8. (1) Every Skills University shall comply, except in so far as may be specifically provided for in this Act, with the National Skills Qualification Framework.

(2) Every Skills University shall have autonomy in financial, administrative and academic matters in regard to the attainment of its objects.

(3) Subject to the provisions of this Act, every Skills University shall have autonomy in the exercise the following powers and functions, namely:—

(a) to recognise, in such manner and in accordance with such parameters as may be specified by its Statutes, institutions of skills education or training establishments and affiliate such institutions and training establishments;

(b) to develop credit framework in accordance with the National Occupational Standards developed by such body as may be specified, by or under, the National Skills Qualification Framework;

(c) to develop curriculum packages for each level and each skill as may be defined, by or under, the National Skills Qualification Framework;

(d) to define norms and parameters of skills education, teaching and instruction, consistent with the credit framework and curriculum packages, in such skills and allied areas as the Skills University may deem fit;

(e) to facilitate instruction (through training establishments and Skill Knowledge provider), in accordance with the credit framework and curriculum packages, in such skills and allied areas as the Skills University may deem fit, for the dissemination of knowledge and skills training and consistent with its objects;

(f) to facilitate instruction in such branches of learning, other than skills, consistent with its objects, as the Skills University may, from time to time, determine;

(g) to award degrees, diplomas, certificates and other distinctions registered with the 'National Qualifications Register' maintained by the National Skill

development Agency or any other agency entrusted with such task that conform to the provisions the National Skills Qualification Framework;

(h) to define norms of, examination or any other measure of assessment of knowledge and competency of a student of, or admission to, the Skills University or institutions of skills education or training establishment affiliated to it;

(i) to hold examinations or other assessments of knowledge or competency or accredit the examination or other assessment systems affiliated to it, as the Skills University may, from time to time, determine;

(j) to recognise industries (as Skill Knowledge Providers) for purposes of practical training of students in skills and to define norms for recognition of competency attained by a student in such practical training in industry for the purpose of earning credits;

(k) to define norms and measures of assessment for recognition of prior learning and competency in skills, based on relevant experience at work or in industry; and to assign credits for such prior learning or competency in accordance with the credit framework;

(l) to lay down norms for transfer of credits to promote new learning opportunities without compromising on learning outcomes;

(m) to institute skills education, teaching or other academic positions, required by the Skills University, with such qualifications and designations as it may deem fit, and to appoint persons on tenure, term or otherwise to such positions;

(n) to appoint persons working or having significant experience of working, in any other University or educational institution or any industry, possessing the required knowledge or competency, as adjunct, guest or visiting faculty of the Skills University on such terms and for such duration as such Skills University may decide;

(o) to lay down parameters for assessment and accreditation of skill educators and training providers in accordance with the norms specified by or under the National Skills Qualification Framework, or in their absence, such norms as may be determined by the Skills University;

(p) to create administrative and other posts and to make appointments thereto;

(q) to determine, specify and receive payment of fees and other charges, as the Skills University may deem fit, from students and any other person, institution, industry or body corporate for instructions and other services, including training, consultancy and advisory services, provided by such Skills University;

(r) to acquire, hold, manage and dispose of any property belonging to, or vested in, the Skills University in such manner as the Skills University may deem fit for attainment of its objects:

Provided that where land for the Skills University has been provided free of cost by an appropriate Government, such land may be disposed of only with the prior approval of such appropriate Government;

(s) to receive gifts, grants, donations or benefactions from the Central Government or the appropriate Government and to receive bequests, donations and transfer of movable or immovable properties from testators, donors or transferors, as the case may be;

(t) to establish and maintain such infrastructure, including campuses and training centres within the territories of the Indian Union, as may be necessary for attainment of its objects;

(u) to undertake, or cause to be undertaken, such studies for assessment of skill needs as may be required in the future and to prepare and maintain a database of skills

assessment and requirements in terms of the emerging employment market in the State concerned, nationally or internationally, as the case may be, relevant to the instructions imparted or proposed to be imparted in the Skills University;

(v) to institute and award fellowships, scholarships, exhibitions, prizes and medals;

(w) to collaborate with any other university or institution of national importance in offering joint degree programmes for bridging skill education with higher education;

(x) to promote international collaboration in skills education with institutions of skill education for the purpose of developing competency, knowledge and ability to global standards;

(x) to promote a spirit of entrepreneurship in skills amongst youth; and

(y) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Skills University.

National Skills
University
open to all.

9. Every Skills University shall be open to all persons irrespective of sex, religion, race, caste, creed or class.

Admissions to
National Skills
University.

10. (1) All admissions to every programme of study in a Skills University shall be based on transparent and reasonable criteria disclosed through its prospectus, published prior to the commencement of the process of admission, by such Skills University.

5 of 2007.

(2) Every Skills University shall be a Central Educational Institution for the purposes of the Central Educational Institutions (Reservation in Admission) Act, 2006.

CHAPTER IV

AUTHORITIES AND OFFICERS OF NATIONAL SKILLS UNIVERSITY

Board of
Governors.

11. (1) The Board of Governors of each Skills University shall be its principal executive body.

(2) The Board shall consist of the following members, namely:—

(a) a Chancellor, to be appointed by the Skills University as provided in sub-section (3), who shall chair the meetings of the Board;

(b) a person from industry with experience in skills education or training, to be appointed by the Skills University as provided in sub-section (5);

(c) a person to be nominated by the National Skill Development Agency;

(d) a person to be nominated by the National Council for Vocational Training;

(e) the Vice-Chancellor of a University in the State, to be nominated by the appropriate Government, *ex officio*;

(f) the Director of the National Institute of Technology located in the State in which the Skills University is located, *ex officio*;

(g) one person to represent the Scheduled Castes or the Scheduled Tribes, to be nominated by the appropriate Government;

(h) two senior-most Deans of the Skills University, *ex officio*; and

(i) the Vice-Chancellor of the Skills University, *ex officio*, who shall be the Member-Secretary.

(3) The Chancellor shall be appointed by the Skills University from a panel of three names recommended by a Search Committee consisting of—

(a) a nominee of the Central Government, who shall be a person of standing in skills education;

(b) a nominee of the appropriate Government, who shall be a person of standing in skills education; and

(c) the Chairperson of the National Skills Development Agency, in case of a Skills University fully funded by the Central or appropriate Government, or a nominee of the industry partners, in case of a Skills University established in the public-private partnership mode, to represent industry.

(4) The Secretary in-charge of skills education in the appropriate Government shall be the convener of the meetings of the Search Committee referred to in sub-section (3) but shall not participate in its deliberations.

(5) A member of the Board referred to in clause (b) of sub-section (2) shall be appointed by the Skills University, with the approval of the Board, from a panel of three names recommended by the appropriate Government, in case of a Skills University fully funded by the Central Government or appropriate Government, or by the industry partners, in case of a Skills University established in the public-private partnership mode.

(6) The first Chancellor shall be appointed, by the Visitor, as soon as may be after the agreement referred to in sub-section (6) of section 4 is entered, from a panel of names recommended by the Search Committee referred to in sub-section (3).

12. (1) Save as otherwise provided in this section, the term of office of the Chancellor or any other member of the Board, other than an *ex officio* member, shall be for a period of five years from the date on which he enters upon office.

Term of office of Chancellor and Members of the Board.

(2) The term of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) A member of the Board, other than an *ex officio* member, who fails to attend three consecutive meetings of the Board, shall cease to be a member.

(4) The Members of the Board shall be entitled to such allowances, as may be specified by Statutes, for attending meetings of the Board or such other meetings as may be convened by the Skills University.

(5) The Board shall initiate the process of appointment in respect of any vacancy due to arise for the office of Chancellor on completion of tenure before a period of six months from the date on which such vacancy would arise:

Provided that the process of appointment shall be completed before such vacancy arises.

(6) Where any unforeseen vacancy has occurred in the office of Chancellor, the process of appointment shall be completed within a period of three months from the date of arising of such vacancy:

Provided that the Board may, in consultation with the appropriate Government, assign, in the interim, temporary charge of the office of Chancellor to any other suitable person till such time as a Chancellor is appointed and enters upon his office.

(7) When the Chancellor is unable to discharge his functions owing to absence on leave or otherwise, such one of the other Members, as the Board may authorise in this behalf, shall discharge the functions of the Chancellor until the date on which the Chancellor resumes his duties.

(8) The Chancellor may, by notice in writing under his hand addressed to the Board, resign from his office:

Provided that the Vice-Chancellor shall cause such resignation letter of the Chancellor to be placed before the Board in an emergent meeting to be convened within a period of ten days from the date the letter of the Chancellor addressed to the Board is received.

Disclosure of interest by Chancellor or Member.

13. The Chancellor or any other Member of the Board having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Board, shall, disclose the nature of his interest at such meeting; and shall not take any part in any deliberation or decision of the Board within respect to that matter.

Powers and functions of the Board of Governors.

14. (1) Subject to the provisions of this Act, the Board of every Skills University shall be responsible for the general superintendence, direction and control of the affairs of the Skills University and shall have the power to frame, amend, modify or rescind the Statutes governing the affairs of the Skills University for attainment of its objects.

(2) Without prejudice to generality of the provisions of sub-section (1), the Board shall have the following powers, namely:—

(a) to decide questions of policy relating to the administration and working of the Skills University;

(b) to make Statutes governing the administration, management and operations of the Skills University;

(c) to examine and approve the annual budget estimates and annual statement of accounts of the Skills University;

(d) to examine and approve the plan for development of the Skills University and to identify sources of finance for implementation of the plan;

(e) to establish departments, faculties or schools and initiate programmes or courses of study at the Skills University;

(f) to lay down, by Statutes, the parameters and manner for recognition of institutions of skills education;

(g) to recognise, in such manner and in accordance with such parameters as specified by Statutes, institutions of skills education and affiliate such institutions;

(h) to recognise industries for purposes of practical training of students in skills;

(i) to create skills education, teaching and other academic posts, to determine the number of such posts and emoluments thereof and to define their duties and conditions of service:

Provided that the Board shall take action only after consideration of the recommendations of the Senate;

(j) to provide, by Statutes, the qualifications, criteria and processes for appointment to skills education, teaching, academic, administrative and other posts in the Skills University:

Provided that the Board shall specify qualifications for appointment to skills education, teaching and academic posts only after consideration of the recommendations of the Senate;

(k) to award degrees, diplomas, certificates and other distinctions that are approved by the National Skills Qualification Committee and is listed in the National Qualifications Register maintained by the National Skills Development Agency;

(l) to determine, by Statutes, fees and other charges payable for pursuit of courses or programmes of study in the Skills University;

(m) to cause to be undertaken, such studies for assessment of skill needs as may be required in the future and to prepare and maintain a database of skills assessment and requirements in terms of the emerging employment market in the State concerned, nationally and internationally, as the case may be, relevant to the instructions imparted or proposed to be imparted in the Skills University;

(n) to exercise such other powers and perform such other duties as may be conferred or imposed by this Act or Statutes and not specifically conferred on any other authority or officer of the Skills University:

Provided that the Board may delegate such of its powers for such period of time and on such conditions to such committees, authorities or officers of the Skills University as it may deem fit:

Provided further that every power delegated for a period, whether once or by way of extension, exceeding one year, shall be through statutes providing for such delegation.

(3) The Board shall in exercise of its powers and discharge of its functions strive to provide autonomy in academic matters to the Senate and departments or faculties or schools, as the case may be.

(4) Where in the opinion of the Chancellor, based on the recommendations of the Vice Chancellor, the situation is so emergent that immediate action needs to be taken in the interest of the Skills University, the Chancellor, in consultation with the Vice Chancellor, may, after recording the reasons for his opinion, issue such order in exercise of the powers of the Board, as he deems fit:

Provided that each such order shall be placed before the Board for ratification in its next meeting.

15. (1) The Senate of every Skills University shall consist of the following persons, namely:— The Senate.

(a) the Vice Chancellor of the Skills University, who shall chair the meetings of the Senate, *ex officio*;

(b) heads of ten departments, faculties or schools, as the case may be, comprising the Skills University, to be nominated by the Board, *ex officio*;

(c) deans in charge of academic and student affairs in the Skills University, *ex-officio*;

(d) five heads of Sector Skills Councils, to be nominated by the Board;

(e) two members of faculty from amongst the Professors of the Skills University, to be nominated by the Board;

(f) three persons to be nominated by the appropriate Government, in case the Skills University is fully funded by the Central Government or appropriate Government, or by the industry partners, in case the Skills University is established in the public-private partnership mode.

(2) The term of an *ex officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of a member nominated under clause (b), (e) or (f) of sub-section (1) shall be for a period of three years from the date of his nomination:

Provided that a member nominated under clause (b) of sub-section (1) shall cease to be a member if he demits that office by virtue of which he was nominated as member.

(4) The term of a member nominated under clause (d) of sub-section (1) shall be for a period of two years from the date of his nomination on rotation basis:

Provided that a member nominated under clause (d) of sub-section (1) shall cease to be a member if he demits that office by virtue of which he was nominated as member.

(5) A member of the Senate under clause (e) or (f) of sub-section (1) who fails to attend three consecutive meetings of the Senate, shall cease to be a member.

Powers and
functions of
Senate.

16. (1) Subject to the provisions of this Act and Statutes, the Senate shall be the principal academic body of the Skills University and shall have the power to make, amend, modify or rescind the Ordinances of the Skills University.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Senate shall have the following powers, namely:—

(a) to develop, by Ordinance, credit framework in accordance with the National Occupational Standards developed by such body as may be specified, by or under, the National Skills Qualification Framework;

(b) to develop by Ordinance, curriculum packages for each level and each skill as may be defined, by or under, the National Skills Qualification Framework:

Provided that while developing the curriculum packages, the Sector Skill Council concerned shall be consulted;

(c) to define, by Ordinance, norms of skills education, teaching and instruction, in accordance with the credit framework and curriculum package, in such skills and allied areas as the Skills University may deem fit;

(d) to define, by Ordinance, norms of examination, or any other measure of assessment of knowledge and competency of a student, or admission to, the Skills University or institutions of skills education affiliated to it;

(e) to lay down, by Ordinance, the norms and parameters of examination or other assessment systems and the procedure for accreditation of such systems of institutions of skills education affiliated to it;

(f) to accredit the examination and assessment systems of skills education in accordance with the norms and parameters of such systems and the procedures for such accreditation;

(g) to define, by Ordinance, norms for recognition of competency attained by a student in practical training in skills in industry for the purpose of earnings credits;

(h) to define norms and measures of assessment for recognition of prior learning and competency in skills, based on relevant experience at work or in industry; and to assign credits for such prior learning or competency in accordance with the credit framework;

(i) to lay down, by Ordinance, norms for transfer of credits to promote new learning opportunities without compromising on learning outcomes;

(j) to lay down parameters for assessment and accreditation of skill educators and training providers in accordance with the norms specified by or under the National Skills Qualifications Framework, or in their absence, such norms as may be determined by the Senate, by Ordinance;

(k) to recommend to the Board, proposals for creation of skills education, teaching and other academic posts and qualifications for such posts;

(l) to specify the academic calendar and approve grant of degrees, diplomas, certificates and other academic distinctions;

(m) to lay down the parameters and due diligence process to affiliate training establishments, skill institutions and the industry Skill Knowledge partners; and

(n) to exercise such other powers and discharge such other functions as may be assigned to it, by Statutes or by the Board.

(3) Every Ordinance under this Act shall be placed, as soon as may be after it is made or issued, before the Board.

(4) The Board shall have the power to make any modification in the Ordinance or direct that the Ordinance should not be made or issued:

Provided that the Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Ordinance.

17. (1) The Vice Chancellor shall be the principal executive officer of the Skills University and shall be responsible for implementation of the decisions of the Board and Senate and for the day-to-day administration of the Skills University.

Vice
Chancellor.

(2) The Vice Chancellor shall exercise such other powers and discharge such other duties as may be assigned to him by this Act or Statutes or Ordinances or delegated by the Board.

(3) The Vice Chancellor shall be appointed by the Board from a panel of names recommended by a Search Committee consisting of—

(a) the Chancellor, who shall be the Chairperson of the Search Committee;

(b) the Chairperson of the National Skill Development Agency, in case of a Skills University fully funded by the Central or appropriate Government, or a nominee of the industry partners, in case of a Skills University established in the public-private partnership mode, to represent industry;

(c) a nominee of the Central Government from amongst Directors of Indian Institutes of Technology or National Institutes of Technology;

(d) a nominee of the appropriate Government from amongst those, who are or have been, Vice Chancellors of Universities in the State in which the Skills University is located; and

(e) a nominee of the Board of Governors from amongst its members.

(4) The Vice Chancellor shall, except on account of resignation or removal or discharge, hold office for a period of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(5) The Vice Chancellor may, by notice in writing under his hand addressed to the Chancellor, resign from his office.

(6) The Vice Chancellor may be removed by the Board on proven charges of corruption or misconduct:

Provided that the Vice Chancellor shall not be removed from his office, except by an order made by the Board after an inquiry in this behalf by the Board, and after giving him a reasonable opportunity of being heard:

Provided further that a resolution for initiating an inquiry into charges of corruption or misconduct shall be brought before the Board only if a notice declaring intent to move such a resolution and detailing the charges is signed by not less than one half of the members of the Board in position and presented to the Chancellor before the meeting:

Provided also that where a proposal for institution of an inquiry into charges of corruption or misconduct against the Vice Chancellor is being contemplated by the Board, the Vice Chancellor shall refrain from participation in the proceedings of the Board till such time as the inquiry is completed:

Provided also that the Board may assign temporary charge of the office of Vice Chancellor to any other suitable person till such time, not exceeding one hundred and twenty days, as the inquiry into the charges against the Vice-Chancellor is concluded.

(7) The Board shall, on the expiration of three years of term of his office, conduct a review of the performance of the Vice Chancellor with specific reference to his leadership in the attainment of the objects of the Skills University.

(8) The Board may, if it is of the opinion, on the basis of the review of performance under sub-section (7), that the Vice Chancellor has been unable to provide leadership to the Skills University and that his continuance may be detrimental to the functioning of such Skills University, serve a notice of three months upon the Vice Chancellor for discharge from office:

Provided that the Board may, after giving the Vice Chancellor an opportunity of being heard, decide to withdraw the notice after giving such directions or imposing such reasonable conditions as it may deem fit:

Provided further that if the Board decides to confirm the notice of discharge, then it shall take effect from such date, not less than three months from the date on which the notice was issued, as the Board may determine.

(9) The Board shall initiate the process of appointment in respect of any vacancy due to arise for the office of Vice Chancellor on completion of tenure before a period of six months from the date on which such vacancy would arise:

Provided that the process of appointment shall be completed before such vacancy arises.

(10) Where any unforeseen vacancy has occurred in the office of Vice Chancellor, the process of appointment shall be completed within a period of three months from the date of arising of such vacancy:

Provided also that the Board may assign temporary charge of the office of Vice Chancellor to any other suitable person till such time as a Vice Chancellor is appointed and enters upon his office.

(11) The first Vice Chancellor shall be appointed, by the first Chancellor, from a panel of names recommended by a Search Committee consisting of the following, namely:—

(a) the Chancellor;

(b) the Chairperson of the National Skill Development Agency, in case of a Skills University fully funded by the Central or appropriate Government, or a nominee of the industry partners, in case of a Skills University established in the public-private partnership mode, to represent industry;

(c) a nominee of the Central Government from amongst Directors of Indian Institutes of Technology or National Institutes of Technology;

(d) a nominee of the appropriate Government from amongst those, who are, or have been, Vice Chancellors of Universities in the State in which the Skills University is located;

(e) the Secretary in charge of skills education of the appropriate Government, who shall be convenor of the Search Committee.

Committees
and officers of
National Skills
University.

18. (1) The Board may constitute such committees with such powers and such functions, as it may deem fit, for efficient management of affairs of the Skills University.

(2) The Board may designate such of the employees of the Skills University as officers and entrust such powers and functions to them as may be provided by the Statutes:

Provided that the Deans in charge of academic affairs, industry engagement and student affairs shall be officers of the Skills University and shall have such powers and perform such functions as the Board may, by Statutes, determine.

The Visitor.

19. (1) The President of India shall be the Visitor of every Skills University and shall have the power to give such directions to the Skills University as he may deem fit, for the purpose of attainment of its objects.

(2) Every such direction under sub-section (1) shall be placed by the Vice Chancellor before the Board in its immediate next meeting, held not later than fifteen days from the date of receipt of such direction, along with the action proposed to be taken on such direction.

(3) The Vice Chancellor shall forthwith, on the conclusion of the meeting of the Board, send a report to the Visitor, explaining the action proposed to be taken to comply with the direction.

CHAPTER V

REVIEW OF NATIONAL SKILLS UNIVERSITY

20. (1) Every Skills University shall, within seven years from the date of its establishment and incorporation and thereafter at the expiration of every fifth year, constitute, with the prior approval of the Central Government, a Committee to evaluate and review the performance of such Skills University in attainment of its objects during the said period.

Review of
National Skills
University.

(2) The Committee constituted under sub-section (1) shall consist of members of repute in academia or industry, from relevant fields of skills education and teaching or experience in leadership positions in any University of repute or institution of national importance.

(3) The Committee shall assess the performance of Skills University and make recommendations on—

(a) the extent of fulfilment of the objects of the Skills University and its contribution to the society;

(b) the promotion of skills education and its impact on industry and society;

(c) the establishment of the Skills University as amongst the national leaders in the area of skills education;

(d) the extent of achievement of social equality through skills education; and

(e) such other parameters as the Board may consider necessary and specify.

(4) The Board shall consider the recommendations referred to in sub-section (3) and take such action as it may deem fit:

Provided that the recommendations of the Committee along with an explanatory memorandum on the action taken or proposed to be taken by the Board, specifying the reasons thereof, shall be submitted to the Central Government and to the appropriate Government:

Provided further that the Central Government and the appropriate Government shall cause such recommendations to be laid before each House of Parliament or the appropriate State Legislature, as the case may be.

(5) The Central Government and the concerned appropriate Government shall have the power to give such directions, emanating from the recommendations of the Committee, on policy relating to national purposes, as they may deem fit, and the Skills University shall comply with such directions:

Provided that if any dispute arises as to whether the direction is a question of policy relating to national purpose or not, the decision of such Government shall be final.

CHAPTER VI

GRANTS, ACCOUNTS AND AUDIT

21. (1) The Central Government may, after due appropriation made by Parliament, by law in this behalf,—

Grants to
Skills
University.

(a) make to each Skills University grants of such sums of money as may be required for supporting its establishment and infrastructure development, subject to the agreement referred to in sub-section (7) of section 4;

(b) provide to each Skills University, grants of such sums of money as are required to meet the expenditure on scholarships or fellowships instituted by it, including scholarships or fellowships for students from socially and educationally backward classes or categories of citizens enrolled in such Skills University.

22. (1) At the first meeting at the beginning of every financial year, the Vice Chancellor shall lay before the Board, a statement of accounts comprising—

Statement of
Accounts.

(a) the unaudited balance sheet as at the end of the previous financial year; and

(b) the statement of income and expenditure for that period.

(2) Every statement of accounts of such Skills University shall give a true and fair view of the state of affairs of such Skills University as at the end of the previous financial year and shall, subject to the provisions of this section, be in such form and in accordance with such general instructions and accounting standards as may be prescribed, or as near thereto as circumstances admit.

(3) Where the statement of accounts of the Skills University do not comply with the accounting standards, the Skills University shall disclose in its annual accounts, the following, namely:—

(a) the deviation from the accounting standards;

(b) the reasons for such deviation; and

(c) the financial effect, if any, arising due to such deviation.

Explanation.—For the purposes of this section, the expression "accounting standards" means the standards of accounting prescribed by the Central Government based on such standards defined by the Institute of Chartered Accountants of India constituted under the Chartered Accountants Act, 1949.

38 of 1949.

Audit of
accounts of
National Skills
University.

23. (1) The statement of accounts of each Skills University shall be audited by such auditor as may be appointed in this behalf by the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of each Skills University shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Central Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Skills University.

Report of Vice
Chancellor.

24. (1) There shall be attached to every audited statement of accounts, a report by its Vice Chancellor, with respect to—

(a) the state of affairs of such Skills University;

(b) the amounts, if any, which such Skills University proposes to carry to any surplus reserves in its balance sheet;

(c) the extent to which understatement or overstatement of any surplus or shortfall of income over expenditure has been indicated in the auditor's report and the reasons for such understatement or overstatement;

(d) qualitative and quantitative benchmarks and internal standards set by the Skills University and its performance thereon.

(2) The report referred to in sub-section (1) shall also include a statement showing the name of the ten officers and other employees of the Skills University who received the highest remuneration (including allowances and other payments made to such officer or employee) during the preceeding financial year and the contributions made by such officers or employees to the Skills University during the financial year.

(3) The statement referred to in sub-section (2) shall indicate whether any such officer or employee is a relative of any member of the Board or Senate of the Skills University and if so, the name of such member and such other particulars as may be required.

(4) The Vice Chancellor and such officer, as may be designated by the Board for maintenance of accounts of the Skills University, shall also be bound to give the complete information and explanations in the report referred to in sub-section (1), on every reservation, qualification or adverse remark contained in the auditor's report.

25. (1) The statement of accounts, including the balance sheet, the statement of income and expenditure, the auditor's report, the report of the Vice Chancellor and other documents required to be annexed with such statement, shall be brought before the Board in its meeting at such time immediately, but not later than six months, from the conclusion of the financial year.

Audited statement of accounts to be placed before the Board and published.

(2) A copy of every statement of accounts (including the balance sheet, statement of income and expenditure, the auditors' report and every other document required to be annexed or attached to balance sheet) which is to be laid before the Board of each Skills University shall, not less than twenty-one days before the date of the meeting, be sent to every member of the Board.

(3) After the statement of accounts referred to in sub-section (1) has been laid before the Board of each Skills University, such statement along with all other documents shall be published and placed on the website of such Skills University.

(4) A copy of the statement of accounts including the balance sheet, the statement of income and expenditure, the auditor's report, the report of the Vice Chancellor and all other documents require to be attached with such statement, shall be submitted to the Central Government and the appropriate Government, and that Government shall, as soon as may be, cause the same to be laid before each House of Parliament or the appropriate State Legislature, as the case may be.

26. (1) The annual report of each Skills University shall be prepared under the direction of the Vice Chancellor, and shall include, among other matters, the steps taken by the Skills University towards the attainment of its objects, a review of skills education being imparted, a needs-based assessment of emerging skills requirements, an outcome based assessment of the performance of the Skills University, the placement of students graduating from the Skills University and the extent of engagement of industry by the Skills University, and be submitted to the Board on or before such date as may be specified by the Board and the Board shall consider the report.

Annual Report of National Skills University.

(2) The annual report as approved by the Board shall be published and placed on the website of the Skills University.

27. (1) The Central Government, in consultation with appropriate Governments, may prepare a scheme for credit guarantee for educational loans taken by students studying in the Skills Universities so as to ensure that such loans from banks are easily available to students for pursuing a programme of study in the Skills University.

Educational loans and credit guarantee.

(2) The corpus for the scheme for credit guarantee may be contributed by the Central Government and appropriate Governments in such share as may be agreed upon between the Central Government and appropriate Governments.

(3) Every student admitted to any Skills University shall be eligible to receive educational loan, in accordance with the scheme referred to in sub-section (1), for pursuing a programme of study at such Skills University.

CHAPTER VII

COUNCIL OF NATIONAL SKILLS UNIVERSITIES

Council of
National Skills
Universities.

28. (1) With effect from such date as may be specified by notification in this behalf, the Central Government may establish for all the Skills Universities specified in the Schedule, a body to be called the Council of National Skills Universities.

(2) The Council shall consist of the following members, namely:—

(a) the Minister in-charge of the Ministry or Department of the Central Government having administrative control over skills education, *ex officio*, as Chairperson;

(b) the Minister in charge of skills education of appropriate Governments of such States where the Skills Universities are located, *ex officio*;

(c) the industry partner of each of the Skills Universities established in the public-private partnership mode;

(d) the Chancellors of each of the Skills Universities, *ex officio*;

(e) the Vice Chancellors of each of the Skills Universities, *ex officio*;

(f) the Chairperson of the University Grants Commission, *ex officio*;

(g) the Chairperson of the All India Council of Technical Education, *ex officio*;

(h) the President of the Council for Architecture, *ex officio*;

(i) the President of the Indian Medical Council, *ex officio*;

(j) the President of the Pharmacy Council of India; *ex officio*;

(k) the Chairperson of the National Skill Development Agency, *ex officio*;

(l) the Chairperson of the National Council for Vocational Training;

(m) Secretaries to the Central Government, one each to represent the Ministry or Department concerned with finance, skills education, higher education, health, employment and information technology, *ex officio*;

(n) heads of ten Sector Skill Councils, to be nominated by the Central Government;

(o) three persons from industry, to be nominated by the Central Government, from a panel comprised of three names recommended by each Skills University;

(p) three persons to represent persons of eminence from academia or civil society to be nominated by the Council, from a panel comprised of two names recommended by each appropriate Government of such States where Skills Universities are located;

(q) heads of three national industry associations identified by the Central Government.

(3) The Council shall have a secretariat with a Secretary to be appointed in such manner as may be prescribed.

(4) The expenditure on the Council shall be met by the Central Government.

Term of office
of Members of
Council and
their
allowances.

29. (1) Save as otherwise provided in this section, the term of office of a member of the Council under clause (o) of sub-section (2) of section 28, shall be for a period of two years from the date of nomination on rotation basis.

(2) Save as otherwise provided in this section, the term of office of a member of the Council under clause (p) of sub-section (2) of section 28, shall be for a period of three years from the date of nomination.

(3) The term of a member, other than a member nominated under clauses (o) and (p) of sub-section (2) of section 28, shall continue so long as he holds the office by virtue of which he is a member.

(4) The salary and allowances payable to and other terms and conditions of service of members of the Council shall be such as may be prescribed.

30. (1) The Council shall coordinate the activities of all the Skills Universities.

Functions of
Council of
National Skills
Universities.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Council shall perform the following functions, namely:—

(a) to ensure harmonisation of the credit framework, consistent with the National Skills Qualification Framework, across all Skills University;

(b) to recommend to the Central Government, institution of scholarships for the benefit of students belonging to the Scheduled Castes, the Scheduled Tribes and other socially and educationally backward classes of citizens;

(c) to recommend to the Central Government and appropriate Governments, institution of schemes, including the scheme for credit guarantee for educational loans, for funding education in the Skills University;

(d) to suggest mechanisms for increasing industry engagement and employment opportunities for students of the Skills University;

(e) to deliberate on such matters of common interest to Skills Universities as may be referred to it by any Skills University;

(f) to perform such other functions as may be referred to it by the Central Government or any appropriate Government:

Provided that nothing in this section shall derogate from the powers and functions vested by law in the Board or Senate or any other authority of each Skills University.

(3) The Chairperson of the Council shall ordinarily preside over the meetings of the Council; and in his absence any other member, chosen, from amongst themselves, by the members present at the meeting, shall preside over the meeting.

CHAPTER VIII

MISCELLANEOUS

31. No act or proceedings of any authority or any body of a Skills University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings
not to be
invalidated by
vacancies.

32. Every Skills University shall furnish to the Central Government and the appropriate Government such returns or other information with respect to its activities as the Central Government or the appropriate Government, as the case may be, may, from time to time, require, within such period as may be specified by that Government.

Returns and
information.

33. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power to
make rules.

(2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which the appropriate Government may submit a proposal to the Central Government for the purposes of establishment of a Skills University in the public-private partnership mode under sub-section (2) of section 4;

(b) the form and manner in which the appropriate Government may submit a proposal to the Central Government for the purposes of establishment of a Skills University without public-private partnership under sub-section (3) of section 4;

(c) the criteria on the basis of which the Central Government shall examine a proposal submitted by an appropriate Government for establishment of a Skills University under sub-section (5) of section 4;

(d) the form, general instructions and accounting standards in which the balance sheet and statement of income and expenditure of a Skills University shall be prepared under sub-section (2) of section 22;

(e) the standards of accounting based on such standards defined by the Institute of Chartered Accountants of India under section 22;

(f) the manner of appointment of the Secretary to the Council under sub-section (3) of section 28.

(g) the travelling and other allowances that Members of the Council shall be entitled receive for attending meetings of the Council under sub-section (3) of section 29.

Power of
Board to make
Statutes.

34. (1) Subject to the provisions of this Act, the Board of every Skills University shall, by publication on its website, make Statutes to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Statutes may provide for all or any of the following matters, namely:—

(a) the parameters and manner for recognition of institutions of skills education and affiliation of such institutions under clause (a) of sub-section (3) of section 8;

(b) the entitlement of allowances to the members of the Board for attending meetings under sub-section (3) of section 8;

(c) governance, administration, management and operations of Skills University under clause (b) of sub-section (2) of section 14;

(d) the qualifications, criteria and processes for appointment to skills education, teaching, academic, administrative and other posts under clauses (j) of sub-section (2) of section 14;

(e) the fees and other charges payable for pursuit of courses or programmes of study under clause (1) of sub-section (2) of section 14;

(f) the delegation of powers of the Board to committees, authorities or officers and the period of such delegation under clause (n) of sub-section (2) of section 14;

(g) the powers and duties of Vice Chancellor under sub-section (2) of section 17;

(h) the powers and functions, to the employees of the Skills University designated as officers, under sub-section (2) of section 18;

(i) the powers and functions of deans under sub-section (2) of section 18;

(3) The Board of Governors of each Skills University may, from time to time, amend or repeal any Statutes, and each such Statute, its amendment or repeal, as the case may be, shall come into effect from the date of its publication on the website of the Skills University.

Power of
Senate to
make
Ordinances.

35. (1) The Senate may, by publication on Skills University's website, make Ordinances to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Ordinance may provide for all or any of the following matters, namely:—

(a) the credit framework in accordance with the National Occupational Standards developed by such body as may be specified, by or under, the National Skills Qualification Framework under clause (a) of sub-section (2) of section 16;

(b) the curriculum packages for each level and each skill as may be defined, by or under, the National Skills Qualification Framework under clause (b) of sub-section (2) of section 16;

(c) the norms of skills education, teaching and instruction, consistent with the credit framework and curriculum packages under clause (c) of sub-section (2) of section 16;

(d) the norms of examinations, or any other measure of assessment of knowledge and competency of a student, or admission to, the Skills University or institutions of skills education affiliated to it under clause (d) of sub-section (2) of section 16;

(e) the norms and parameters of examination or assessment systems and the procedure for accreditation of such systems of institutions of skills education affiliated to it under clause (e) of sub-section (2) of section 16;

(f) the norms for recognition of competency attained by a student in practical training in skills, imparted in industry, for the purpose of earning credits under clause (g) of sub-section (2) of section 16;

(g) the norms for transfer of credits to promote new learning opportunities without compromising on learning outcomes under clause (i) of sub-section (2) of section 16;

(h) the parameters for assessment and accreditation of skill educators and training providers consistent with norms specified by or under the National Skills Qualification Framework, or in their absence, such norms as may be determined by the Senate under clause (j) of sub-section (2) of section 16;

(3) Every Ordinance made by the Senate, in exercise of powers under this section, shall be placed, as soon as may be after it is made or published, before the Board.

(4) The Board shall have the power to make any modification in the Ordinance or direct that the Ordinance should not be made or issued:

Provided that the Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Ordinance.

36. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

37. Every notification, Statute and Ordinance made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule should not be made or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Notification,
Statute and
Ordinance to
be laid before
Parliament.

THE SCHEDULE

[See section 5(1)]

Sl.	Name of National Skills University	Name of State	Location	Appointed Date
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STATEMENT OF OBJECTS AND REASONS

Skill development is one of the key drivers to harness the demographic dividend. For our economy to grow exponentially and our youth to be gainfully employed, it is imperative that the requisite skills are acquired. The Central Government has already initiated various schemes for skill development. However, in the absence of a Skills University, there is a problem in recognition of skills at the graduate and higher levels. This renders the youth with little opportunity for upward mobility and would get stuck at the worker level.

Creation of skills University will not only help imparting and recognition of higher skills but also allow for research and collaboration with similar universities across the globe. It shall also give a statutory recognition to the qualifications awarded to the students. Skill development is very different to conventional education in its content delivery mechanism and scope and the present higher education structure with its institutional model would not be able to rise to the demand in scale and scope. Since the need is to create a sustainable national ecosystem for skill development, it is proposed to create universities with national reach.

Hence this Bill.

NEW DELHI;
February 8, 2017.

KIRIT SOMAIYA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of National Skills University by the Central Government with the concurrence of the State Government, establish, either with or without public-private partnership. Clause 18 empowers the Board to constitute such committees with such powers and such functions, as it may deem fit, for efficient management of affairs of the Skills University. Clause 21 provides that Central Government shall provide to each Skills University grants of such sums of money as may be required for supporting its establishment and infrastructure development and to meet the expenditure on scholarships or fellowships instituted by it. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees thirty six crores per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 33 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act.

2. Clause 34 of the Bill empowers the Board to make the Statutes as specified in the Schedule to the Bill. It empowers the Board to frame, amend, modify or rescind the Statutes governing the affairs of the Skills University for attainment of its objects subject to the assent of the Central Government. The matter in respect of which the Board and the Central Government may make, amend or repeal the Statutes, include the constitution, powers and functions of the authorities of the University, the appointment of officers and teachers of the University, the conditions of service of the employees of the University and matters connected therewith.

3. Clause 35 empowers the Senate to make, amend, modify or rescind the Ordinances of the Skills University. The Ordinances may be made, amended or repealed in respect of matters relating to admission of students, courses of study, fees and fellowships, medium of instructions and examination, establishment of special centres, specialised laboratories, the manner of co-operation and collaboration with other Universities and authorities, the management of colleges and institutions established by the University and such other matters.

4. Clause 36 empowers the Central Government, by order published in the Official Gazette, to make provisions to remove certain difficulties, which may appear to be necessary or expedient and such an order is not to be made after the expiry of a period of three years from the commencement of the Act and such order shall be laid before each House of Parliament.

5. The matters for which the Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 41 OF 2017

A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new sections 6A, 6B, 6C and 6D.

Constitution of Opium Nodal Authority.

2. After section 6 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the following sections shall be inserted, namely:—

"6A. (1) Without prejudice to the provisions of sub-section (3) of section 4, the Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Opium Nodal Authority to regulate production, cultivation, marketing, import, export, research and development and health and welfare issues related with opium.

(2) The Authority shall consist of—

(a) a Chairperson, who shall be a person having knowledge and professional expertise of not less than twenty years in the discipline of agriculture or healthcare or pharmaceuticals including three years experience of working at the top management level in those disciplines;

(b) head and members of each of the Advisory Panels constituted under section 6C, as members;

(c) Members of Rajya Sabha and Lok Sabha representing the States or Constituencies, as the case may be, where opium is legally produced, as members; and

(d) one representative each from the Union Ministries of Agriculture and Farmers Welfare, Health and Family Welfare, Finance, Home Affairs and Chemicals and Fertilizers, as members,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The Chairperson of the Authority shall hold office for a period of six years.

(4) The members of the Authority shall hold office for a period of five years.

(5) The headquarter of the Authority shall be at such place as the Central Government may, by notification in the Official Gazette, specify:

Provided that the Central Government may, in consultation with the State Governments concerned, establish such number of regional offices of the Authority at such other places as it may deem fit.

(6) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such, as may be prescribed.

(7) The Central Government shall appoint such number of officers and staff to the Authority as it considers necessary for the efficient discharge of its functions under this Act.

(8) The salary and allowances payable to and other terms and conditions of service of officers and staff of the Authority shall be such, as may be prescribed.

Functions of the Authority.

6B. The Authority shall—

(a) advise the Central Government with regard to such matters related to the opium as production, cultivation, marketing, import, export, research and development and health and welfare; and

(b) perform such other functions as the Central Government may assign to it, from time to time.

Constitution of the Advisory Panels.

6C. (1) The Chairperson of the Authority shall, by notification in the official Gazette, constitute five Advisory Panels, namely, Agriculture, Health, Narcotics, Vigilance, Research and Development and Trade and Commerce for carrying out the functions assigned to them under this Act.

(2) Each panel shall consist of —

(a) a Head; and

(b) ten other members, having not less than five years of experience in the field of Agriculture or Health or Narcotics vigilance or Research and Development or Trade and Commerce, as the case may be, to be appointed by the Chairperson of the Authority in such manner as may be prescribed.

(c) The Head and other members of the Advisory Panels shall hold office for a period of five years.

(3) The salary and allowances payable to, and other terms and conditions of the service of the Head and other members of the Advisory Panels shall be such, as may be prescribed.

6D. The Advisory Panels shall perform the following functions, namely:—

Functions of
the Advisory
Panels.

(a) the Agriculture Panel shall conduct an annual survey of licensed opium farmers and prepare a list of eligible farmers; promote and propagate effective cultivation practices of opium; monitor opium poppy marketing issues faced by the farmers in dealing with the Central Bureau of Narcotics; and provide guidance on management of destroyed opium crops;

(b) the Health Panel shall investigate various health and addiction issues associated with opium as a recreational drug; survey production of essential alkaloids from the opium harvest; study the issues which can be dealt with by medical practitioners; and report problems and recommendations to the Authority;

(c) the Narcotics Vigilance Panel shall supervise and monitor smuggling and illicit manufacturing of opium in collaboration with the departments established under the Narcotic Drugs and Psychotropic Substances Act, 1985;

(d) the Research and Development Panel shall conduct independent, objective, ground-level and regular research on the issues relating to opium and the best international standards for managing opium harvest and its by-products and report the same to the Authority along with institutional problems faced, if any, and shall also provide suggestions;

(e) the Trade and Commerce Panel shall conduct annual surveys on opium poppy demand in India, export and import statistics of opium by-products and recommend measures to improve the economic situation to the Authority; and

(f) all Advisory Panels shall perform such other functions as may be assigned to them by the Chairperson of the Authority or by their respective Head, as the case may be."

STATEMENT OF OBJECTS AND REASONS

Agricultural crises topple the lives of our primary producers all over the country. But opium is one commodity where farmers have to brave it out slightly more than others owing to not just erratic weather but also equivocal procedures, despite the fact that they are engaged in its legal cultivation. Poppy is not only a commonplace household ingredient world over, but is also processed by pharmaceuticals to obtain essential alkaloids like *morphine*, *thebaine*, *codeine*, etc., which form the basic composition of most pain-killers, cough syrups and chemo-drugs. So, the demand always tends to be more than the supply, necessitating imports. It goes without saying that clearing the procedural drawbacks would result in enhanced productivity, self-sufficiency and swift expansion of our export potential. Opium is one of those rare crops which involve not just farming, cultivating, climatic and marketing issues; but also health and welfare, smuggling, illicit manufacturing and organized crime issues. The current supervisory body is the Central Bureau of Narcotics under the Ministry of Finance, which is primarily concerned with narcotic abuse. But opium cultivation requires an independent nodal body to collaborate with a wide spectrum of ministries (like Commerce and Industry, Health and Family Welfare, Agriculture and Farmers Welfare, etc.) to take holistic executive decisions.

The Bill, therefore, seeks to amend the Narcotic Drugs and Psychotropic Substances Act, 1985 with a view to constitute an Opium Nodal Authority to regulate the production, cultivation, marketing, import, export, research and development and health and welfare issues related with opium in the country.

Hence this Bill.

NEW DELHI;
February 10, 2017.

SUDHEER GUPTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of Opium Nodal Authority to regulate production, cultivation, marketing, import, export, research and development and health and welfare issues related with opium. It also provides for appointment of officers and staff for the Authority. It further provides for constitution of Advisory Panels by the Chairperson of the Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five hundred crores will be involved.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

BILL NO. 53 OF 2017

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of Section 2.

2. In section 2 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) after clause (bb), the following clause shall be inserted, namely:—

'(bc) "constituency" means the Parliamentary constituency;';

(b) after clause (c), the following clause shall be inserted, namely:—

'(ca) "designated place" means any public place designated by the Election Commission where the election petition is available for the electors to sign;';

(c) after clause (h), the following clause shall be inserted namely:—

'(ha) "Recall Petition" means a petition calling for a member of Parliament to vacate his seat in the House of People;'; and

(d) after clause (i), the following clauses shall be inserted namely:—

'(ia) "signing period" means a period of sixty days from the date of submission of petition to the Election Commission;';

'(ib) "Speaker" means the Speaker of the House of People;'.

3. After Part VA of the principal Act, the following PART and sections thereunder shall be inserted namely:—

Insertion of
new Part VB.

"PART VB

RECALL OF MEMBER OF PARLIAMENT

78C. (1) A member of Parliament shall be deemed to have vacated his office if he is recalled through a recall petition filed with Election Commission signed by not less than ten per cent. of the total number of electors of that constituency in such manner as may be prescribed.

Conditions to
hold a recall
election
petition.

(2) Subject to the provision of sub-section (1), no process of recall of a member of Parliament shall be initiated—

(i) within a period of two years from the date on which such member of Parliament is elected and enters upon his office; or

(ii) if that member of Parliament was elected in a bye-election and one-half of the period of tenure of such member of Parliament has not expired; or

(iii) if a notification for general election is issued by the Election Commission within sixty days following the date of petition submitted to the Election Commission; or

(iv) if that member of Parliament is already subject to a recall petition process.

78D. The Election Commission shall ensure that the recall petition is available for the public for signing at the designated places during the signing period.

Recall petition
to be make
available for
signing.

78E. Every elector of the constituency, in respect of whose member of parliament the recall petition has been filed, shall be eligible to sign the recall petition.

Persons
eligible to sign
a recall
petition.

78F. Every recall petition shall be signed in such manner as may be prescribed by the Election Commission.

Manner of
signing the
recall petition.

78G. (1) The Election Commission shall forward the result of the recall petition to the Speaker.

Result of
recall petition.

(2) A recall petition of a member of Parliament shall be deemed to be successful recall petition for the purposes of this Act, if it is signed under section 78F by electors whose number is not less than thirty-five per cent. of the number of valid votes which that member was polled in his election.

78H. The member of Parliament in respect of whom the recall petition was filed, upon successful recall petition under sub-section (2) of the section 78G, shall be deemed to have vacated his seat in the House of the People.

Vacation of
seat upon
recall.

78I. When as a result of a successful recall petition, a seat in the House of the people is duly vacated under section 78H, the Election Commission shall cause a bye-election to be held to fill the vacant seat in such manner as may be prescribed."

Conduct of a
bye-election.

STATEMENT OF OBJECTS AND REASONS

Recall of Parliamentarians is said to be a democratic method, by which citizens have the power to remove or in effect de-elect a Member of Parliament before the end of his term of office. This power to removal of a Member of Parliament is an instrument for the constituents to scrutinise their performance and conduct and ensure good practices and delivery of services that an elected representative is expected to follow. This right flows from the fundamental principle of representative democracy which is enshrined in the Indian Constitution as a part of its basic structure. It is a prerogative of the electors to decide whether a non-performing representative be allowed to represent them in the Parliament. This puts a check on the representatives and makes them accountable to the public.

In some States like Chhattisgarh, Madhya Pradesh and Rajasthan, the right to recall has been incorporated in their respective Nagar Palika Acts. Thus, it is required to introduce a similar legislation at the national level as well.

Countries like USA, Switzerland, Canada, Taiwan, Venezuela and Ukraine have adopted specialised legislations on the people's right to recall elected representatives. Although the modes of recall may vary but the essence of law is same in all these countries.

It is, therefore desirable to enact a law to de-elect a Member of Parliament who has lost public confidence, regulate the procedure with regard to the recall of the elected members of Parliament and improve parliament's transparency and accountability to the general public.

Hence this Bill.

NEW DELHI;
February 14, 2017

DHARAM VIRA GANDHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 78D provides that the Election Commission shall ensure that the recall petition is available for the public for signing at the designated places during the signing period. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. As the expenditure to be incurred would depend upon the number of recall petitions filed, it is not possible at this stage to give the exact amount of recurring expenditure which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed section 78C provides that any elector may file a recall petition with the Election Commission in such manner as may be prescribed. The proposed section 78I empowers the Election Commission to hold a bye-election to fill the vacant seat on a successful recall petition in such manner as may be prescribed. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 54 OF 2017

A Bill to establish and incorporate a research and teaching university at East Siang in the State of Arunachal Pradesh to facilitate and promote research in the domain of tribal studies and to provide for matters therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the National Tribal Research and Development University Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act and all Statutes and Regulations made thereunder, unless the context otherwise requires,—

Definitions.

- (1) "Academic Council" means the Academic Council of the University.
- (2) "Tribal studies" includes the disciplines of:
 - (a) tribal livelihoods;
 - (b) production and protection of tribals;
 - (c) tribal education;
 - (d) tribal culture and lifestyle;
 - (e) development of tribal societies;
 - (f) tribal health;
 - (g) forest and land rights of tribals;
 - (h) North-East Tribes study; and
 - (i) any other subject related to tribals.
- (3) "authority" means any authority of the University as specified in this Act;
- (4) "Board" means the Board of Management of the University;
- (5) "Board of Studies" means the Board of studies of the University at faculty level;
- (6) "college" means a constituent college of the University under its direct administrative and financial control and management;
- (7) "Chancellor" means the Chancellor of the University;
- (8) "Comptroller" means the Comptroller of the University;
- (9) "Dean" means the Head of the constituent College;
- (10) "Dean of Faculty" means the Head of the subject matter faculty.
- (11) "Dean Student Welfare" means the Dean of Student Welfare, Counseling and Student Placement;
- (12) "Director" means the Director of Education or the Director of Research, or the Director of Extension or the Director of Extension Education;
- (13) "Extension Council" means the Extension Education Council of the University;
- (14) "Faculty" means Faculty of the University as Pecified in the Act and the Statutes;
- (15) "Government" means the Central Government;
- (16) "Head" means the Head of the Department of the University;
- (17) "hostel" means a place of residence for students of the University maintained or recognized by the University;
- (18) "centre" means the Tribal Research and Development Centre established under the jurisdiction of the University;
- (19) "officer" means an officer of the University as specified in the Act or Statutes;
- (20) "prescribed" means provision as set forth in the Statutes of the University;
- (21) "Registrar" means the Registrar of the University;

(22) "Research Council" means the Research Council of the University;

(23) "Statutes" means the Statutes of the University;

(24) "student" means a person admitted and enrolled in a constituent college of the University for taking a course of study for a degree, or other academic programme duly instituted;

(25) "teacher" means a person not below the rank of Assistant Professor appointed or recognized by the University for the purpose of imparting instruction and/or conducting and guiding research and/or extension education programmes and includes any other person who may be declared by the Statutes to be a teacher;

(26) "University" means the National Tribal Research and Development University established under this Act; and

(27) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

Establishment and incorporation of the University.

3. (1) There shall be established in the State of Arunachal Pradesh a University by the name of the "National Tribal Research and Development University".

(2) The University shall consist of a Chancellor, a Vice-Chancellor, Board of Management, Academic Council, Research Council, Extension Council and other authorities and officers and constituent bodies as set forth in this Act or provided in the Statutes.

(3) The University shall be a body corporate having perpetual succession and common seal and shall sue and be sued by the said name.

(4) In all suits and other legal proceedings by or against the University, the pleading shall be signed and verified by the appropriate officer and all processes in such suits and proceedings shall be issued to and served on the appropriate.

(5) The headquarters of the University shall be at East Siang in the State of Arunachal Pradesh.

Territorial jurisdiction and constituent bodies.

4. (1) With respect to teaching at the University or college level, research, and extension education programmes in the field of Tribal studies broadly defined in this Act.

(2) All colleges, research stations, centres and other institutions coming under the jurisdiction and authority of this University shall be constituent unit of the University under the full management and control of the university officers and authorities and no other unit shall be recognized as an affiliated unit.

(3) The University may assume responsibility for the establishment, development and operations of its constituent bodies in the territorial jurisdiction and abroad as may be required.

5. The objects of the University shall be—

Objects of the University.

(1) to impart education towards development of quality human resource, in different branches of study and allied matters as it may deem fit;

(2) to further the advancement of learning and conducting of research;

(3) to undertake programme of extension education;

(4) to promote partnership and linkages with national and international educational institutions; and

(5) to undertake such other activities as the University may, from time to time, determine.

6. (1) The University shall, subject to the provisions of this Act and the statutes, be open to all persons:

Admission to the University.

Provided that nothing in this sub-section, shall require the University to admit to any course of study any person who does not meet the prescribed academic standards for admission or to retain on the rolls of the University, persons whose academic records are below the minimum standards required for the award of a degree or whose personal conduct is such as to be inimical to the objectives of the University or to the appropriate rights and privileges of other students and staff.

(2) Subject to the provisions under sub section (1), the university shall reserve seats for the Scheduled Castes, the Scheduled Tribes and categories specified by the Government or candidates from other States in India:

Provided that no such person shall be entitled to be admitted to the university unless he meets the standards prescribed in respect of such candidates.

7. The University shall,—

Powers and functions of the University.

(1) provide for undergraduate and postgraduate instructions in tribal studies as stated in sub-section (3) of section 2 and other areas as the University may deem fit;

(2) provide for conduct of research in tribal studies;

(3) facilitate dissemination of the findings of research and technical information through an extension education programme;

(4) institute courses of study and hold examinations for and confer degrees, and other academic distinctions on persons who have pursued and qualified for a prescribed course of study or research or both in the University or including part courses and/or research carried out in any other university or recognized institutions for the purpose;

(5) confer honorary degrees and other distinctions as prescribed;

(6) provide training for tribals, field workers, tribal youth and women and other persons not enrolled as regular students of the University;

(7) have collaboration in academic, research and extension education programmes with other universities, and Public and Private Research and Development organizations or institutions;

(8) acquire, hold and retain property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested or have been acquired by it for the purpose of the University, and to receive and borrow money from the Central Government, State Government or any other approved sources and do all other things necessary for the purpose of this Act;

(9) establish and maintain colleges, Research Stations, centres and units thereof relating to tribal studies and allied sciences as stated in sub-section (3) of section 2;

(10) create teaching, research and extension education posts with the approval of the Government and to appoint persons to such posts;

(11) create administrative and other posts with the approval of the Government and to appoint persons to such posts;

(12) institute and award fellowship, scholarships, stipends, prizes in accordance with the Statutes;

(13) fix, demand and receive such fees and other charges as may be prescribed;

(14) institute and maintain residential accommodations for students and staff of the University as appropriate;

(15) supervise and control the residence, conduct and discipline of the students of the University, and to make arrangement for promoting their health and welfare; and

(16) do all such acts and things whether incidental to the powers aforesaid or not as may be required in order to further the objects of the University.

Visitation and inspection.

8. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments and of any constituent units of the University and may cause an inquiry to be made in the like manner of any matter connected with the University.

(2) The Chancellor, shall, in every case, give due notice to the University of his intention to cause an inspection or enquiry.

(3) The Chancellor shall communicate to the University with reference to the result of such inspection or inquiry, and may after ascertaining the opinion thereon of the University, advise the University upon the action to be taken and fix a time limit for taking action.

(4) The University shall, within the time limit so fixed, report to Chancellor the action which has been taken or is proposed to be taken on the advice tendered by the Chancellor.

(5) The Chancellor may, where action has not been taken by University to the satisfaction of the Chancellor within the time limit fixed and after considering any explanation furnished or representation made by the University, issue such directions as the Chancellor may think fit and the University shall comply with such directions.

(6) Notwithstanding anything contained in the preceding sub-sections of this section, if at any time the Chancellor is of the opinion that in any manner the affairs of the University are not managed in furtherance of the objects of the University, or in accordance with the provisions of this Act, and the statutory regulations or the special measures desirable to maintain the standards of University teaching, examination, research or extension, he may indicate to the University any matter in regard to which it desires an explanation, and call upon the University to offer such explanations, within such time as may be specified by the Chancellor:

Provided that if the University fails to offer any explanation within the time specified or offer an explanation which, in the opinion of the Chancellor is unsatisfactory, the Chancellor may issue such instructions as appeared necessary and desirable to him in the circumstances of the case and may exercise such powers as necessary for giving effect to the instructions.

(7) The University shall furnish such information relating to the administration of the University as the Chancellor may require.

CHAPTER III

AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

9. The following shall be the authorities of the University, namely:—

(1) the Board of Management;

(2) the Academic Council;

(3) the Research Council;

(4) the Extension Council or Extension Education Council;

(5) the Faculties and their Board of Studies; and

(6) such other bodies of University as may be declared by the Statutes to be authorities of University.

Constitution of Board of Management.

10. (1) The Chancellor shall, soon after the first Vice-Chancellor is appointed, constitute the Board of Management.

(2) The Board of Management shall constitute of the following:

- (i) the Vice-Chancellor—Chairperson;
- (ii) the Principal Secretary or Secretary, Department of Tribal Affairs, State Government or his nominee not below the rank of Joint Secretary, as member;
- (iii) the Principal Secretary or Secretary, Finance Department of the State Government or his nominee not below the rank of Joint Secretary, as member;
- (iv) one eminent educationist (not below the rank of Professor) from the field of tribal research to be nominated by the Chancellor, as member;
- (v) one Member of Parliament to be nominated by the visitor, as member;
- (vi) one member of autonomous/Zila Parishad body, with substantial contribution towards rural and tribal upliftment and empowerment, to be nominated by the Chancellor, as member;
- (vii) one outstanding woman social worker having background of rural and tribal advancement to be nominated by the Chancellor, as member;
- (viii) one progressive tribal from the jurisdiction of the University to be nominated by the Government, as member;
- (ix) one distinguished tribal to be nominated by the Government, as member;
- (x) one eminent educationist from outside University from the field of tribal studies to be nominated by the Vice-Chancellor, as member;
- (xi) one Director to be nominated by the vice-Chancellor, as member;
- (xii) one Dean to be nominated by the Vice-Chancellor, as member; and
- (xiii) Registrar—Secretary, as member.

(3) The term of the office of the Members of the Board other than the *ex-officio* members shall be two years.

(4) When a vacancy occurs in the office of any member by the reason of death, resignation or any cause other than the expiry of term, the vacancy shall be filled in accordance with the provisions of this section and the person who fills such vacancy shall hold office for the residue of the term for which the person whose place he fills would have been a member.

(5) No action or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

(6) One-third of the members of the Board shall form quorum at a meeting of the Board:

Provided that if a meeting of the Board is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

(7) No other officer or employee of the University shall be eligible to be a member of the Board under clause (vi) to (xi) of sub-section (2) of this section.

(8) The Board for the purpose of consultation may invite any person having experience or special knowledge on any subject under consideration to attend its meeting:

Provided that the person so invited may speak or otherwise take part in the proceedings of such meeting but shall not be entitled to vote and shall be entitled to such allowances for attending the meeting as may be prescribed.

(9) The Board shall on dates to be fixed by the Vice-Chancellor meet at least twice a year:

Provided that the Vice-Chancellor may whenever, he thinks fit and shall, upon the requisition in writing signed by not less than five members of the Board, convene a special meeting of the Board.

Powers and functions of the Board.

11. (1) Subject to the provisions of this Act and the Statutes, the Board shall be the Chief Executive Body of the University and shall manage and supervise the properties and activities of the University and shall be responsible for the conduct of all administrative affairs of the University not otherwise provided for in this Act.

(2) Without prejudice to the generality of the foregoing powers, the Board shall exercise and perform the following powers and functions, namely:—

(i) consider and approve the financial requirements, estimates and the budget of the University;

(ii) hold and control the property and the funds of the University and issue any general directive on behalf of the University;

(iii) accept or transfer any property on behalf of the University;

(iv) administer funds placed at the disposal of the University for the purpose intended;

(v) arrange for the investment and withdrawal of the funds of the University;

(vi) borrow money for capital investments with prior approval of the State Government and make suitable arrangements for its repayment;

(vii) accept on behalf of the University trusts, bequests and donations;

(viii) consider and approve the recommendations of the Academic, Research and Extension Councils where required;

(ix) direct the form and use of the common seal of the University;

(x) appoint such committees and bodies as it may deem necessary and set down the terms of reference thereof in accordance with the provisions of this Act and the Statutes;

(xi) consider and approve establishment, amalgamation and abolition of college, department, centre or Research Station/Sub-Station on the recommendation of Academic Council, Research Council or Extension Council.

(xii) create teaching, research and extension education posts with the approval of the State Government; and

(xiii) approve the recommendations of Selection Committee in the prescribed manner for appointment of officers, teachers and employees of the rank of Assistant Professor and above.

Academic Council.

12. (1) The Academic Council shall consist—

(i) the Vice-Chancellor—Chairperson, *ex-officio*;

(ii) the Directors of Research and Extension, as members;

(iii) all Deans, as members;

(iv) two Heads of the Department from each faculty nominated by the Vice-Chancellor on rotational basis, as members;

(v) one teacher of the Professor rank from each faculty to be nominated by the Vice-Chancellor on rotational basis, as member;

(vi) one eminent tribal studies educationist from outside the University to be nominated by the Vice-Chancellor, as member;

(vii) the Registrar, as member; and

(viii) the Director of Education—Member Secretary.

(2) The Comptroller and University—Librarian shall be the non-member invitees of the Academic Council.

(3) The Academic Council may co-opt as members not more than two persons for such period and in such manner as may be prescribed so as to secure adequate representation of different sectors of tribal and allied fields.

(4) All members of the Academic Council other than the *ex-officio* members and members referred in sub-section (3) shall hold office for a term of two years.

(5) One third of the members of the Academic Council shall form quorum at a meeting of the Council:

Provided that if a meeting of the Council is adjourned for want of quorum, no quorum shall be necessary at the next meeting for the transaction of the same business.

(6) The Academic Council shall meet one in each semester on such dates as may be fixed by the Vice-Chancellor:

Provided that if the Vice-Chancellor thinks fit, he may convene special meetings of the Academic Council.

13. (1) The Academic Council shall, subject to provisions of this Act and the Statutes, have the power by regulations of prescribing all courses of study and determining curricula, and shall have control on teaching and other educational programmes within University, and shall be responsible for the maintenance of standards thereof.

Powers and
Functions of
the Academic
Council.

(2) The Academic Council shall have power to make regulations consistent with this Act and the Statutes relating to all academic matters subject to its control and to amend or repeal such regulations.

(3) In particular, and without prejudice to the generality of the foregoing power, the Academic Council shall,—

(i) advise the Board and Vice-Chancellor on academic matters;

(ii) make recommendations for the institution of Professorships, Associate Professorships, Assistant Professorships and other teaching posts including posts in research and extension education and in regard to the duties thereof;

(iii) make recommendations for adjunct professorship;

(iv) make recommendations for the establishment or amalgamation or abolition of Faculty, College, Department of teaching, research and extension education;

(v) make regulations regarding the admission of students to the University, and determine the number of students to be admitted;

(vi) make regulations relating to the courses of study leading to degrees, diplomas and certificates;

(vii) make regulations relating to the conduct of examinations and to maintain and improve standards of education;

(viii) make recommendations to the Board regarding conferment of honorary degree;

(ix) make recommendations regarding the qualifications to be prescribed for teachers in the University; and

(x) exercise such other powers and perform such other functions as may be conferred or imposed on it under the provisions of this Act, by the Board or Vice-Chancellor.

Research
Council.

14. (1) There shall be a Research Council consisting of the following members:

- (i) the Vice-Chancellor—Chairperson;
 - (ii) the Directors of tribal affairs (depending upon research mandate and programmes of the University) of the Government, as member;
 - (iii) the Directors of Education and Extension, as member;
 - (iv) all Deans, as member;
 - (v) all Heads of Departments/Associate Directors, as member;
 - (vi) not more than four persons including one progressive tribal for such period and in such manner as may be prescribed so as to secure adequate representation of tribes, as members; and
 - (vii) the Director of Research — Member-Secretary.
- (2) the Registrar and Comptroller shall be the non-member invitees of the Research Council.

Functions of
Research
Council.

15. The Research Council shall consider and make recommendations in respect of:—

- (i) research programmes and projects undertaken or to be undertaken by the various University scientists in the field of Tribal and allied sciences and their prioritization, monitoring and evaluation;
- (ii) physical, fiscal and administrative facilities required for implementing research projects;
- (iii) orienting research to meet tribals and other stakeholder's needs;
- (iv) public-private partnership in research; and
- (v) any other matter pertaining to research programmes which may be referred to by the Vice-Chancellor or the Board or any other authority of the University, as the case may be.

Extension
Council.

16. (1) There shall be an Extension Council consisting of,—

- (i) the Vice-Chancellor — Chairperson;
- (ii) the Directors of Tribal Affairs (depending upon mandate and programmes of the University) of the Government, as members;
- (iii) the Director of Education, Research and all Associate Directors and Joint Directors, as members;
- (iv) all Deans, as members;
- (v) all Heads of the Departments or Regional Research Station or Centres, as members;
- (vi) two eminent persons in the field of Extension Education from outside nominated by the Vice-Chancellor, as members;
- (vii) two progressive tribal to be nominated by the Vice-Chancellor, as members;
- (viii) the Vice-Chancellor may co-opt up to two members from related organizations; and
- (ix) the Directors of Extension — Member-Secretary.

(2) the Registrar and Comptroller shall be the non-member invites of the Extension Council.

17. The Extension Council shall consider and make recommendations in respect of:

Functions of
the Extension
Council.

(i) the Extension Education Programmes and Projects of the University;

(ii) co-ordination of Extension Education activities;

(iii) development of farmers' Education, Training and Advisory Services;

(iv) monitoring and evaluation of the Extension Education Programmes and Projects of the University; and

(v) any other matter referred to it by the Vice-Chancellor, Board or any other authority of the University, as the case may be.

18. (1) The University shall have the faculties.

Faculties and
Board of
Studies.

(2) Each faculty shall have Board of Studies consisting of the following members:

(i) the Dean of Faculty — Chairperson;

(ii) the Deans of the constituent colleges of the faculty, as members;

(iii) all Heads of the Departments of the concerned faculty, as members;

(iv) one elder faculty member from each Department nominated by the Dean of Faculty, as members; and

(v) a senior Head of the Department— Member-Secretary.

(3) The faculty shall—

Functions of
Faculty.

(i) review teaching programme and suggest improvement thereof;

(ii) consider the recommendations of the Committee of Courses and Curricula or similar body of department or faculty and submit to the Academic Council for approval; and

(iii) perform such other functions as may be assigned to it by the Academic Council or Vice-Chancellor.

19. Every authority shall have the power to appoint committees which may unless otherwise provided in this Act or Statutes consist of the members of the authority and such other persons as it may deem fit.

Constitution
of commit-
tees.

20. (1) Save as otherwise provided in this Act, if any member other than *ex-officio* member of any authority or body of the University, is unable by reason of his death, resignation, removal or otherwise to complete his full term of office, the vacancy so caused shall as soon as convenient, be filled by appointment, nomination or co-option, as the case may be and the person so appointed, nominated or co-opted shall fill such vacancy for the un-expired portion of the term for which the member in whose place such person is appointed, nominated or co-opted would otherwise have continued in office.

Provisions in
relation to
membership
of authorities.

(2) The Board may remove any person from membership of any authority or body of the University on the ground that such person has been convicted of any offence involving moral turpitude or conduct not befitting the office held by the concerned member with the approval of the Chancellor, except that prior approval of the Chancellor shall not be necessary where such a person has been convicted by a competent Court of law:

Provided that no such order shall be made against any person without giving reasonable opportunity of being heard.

(3) A person who is a member of any authority or body of the University as a representative of another body whether of the University or not, shall cease to be a member of such authority or body if before the expiry of the term of his membership he ceases to be a member of that other body by which he was appointed or nominated.

(4) Whenever any person becomes a member of any authority or body of the University by virtue of the office held by him, he shall forthwith cease to be a member of such authority or body if he/she ceases to hold such office before the expiry of the term of his membership:

Provided that he shall not be deemed to have ceased to hold his office merely by reason of his proceeding on leave for a period not exceeding four months.

(5) Any member, other than an *ex-officio* member of any authority or body of the University may resign his office by letter addressed to the Vice-Chancellor and such resignation, upon acceptance, shall take effect from the date on which the same is submitted.

Validity and
protection of
Acts.

21. (1) The University shall adhere to the Acts and Laws of the Union and the State.

(2) No act or proceeding of any authority or body of the University shall be invalid by reason of the existence of any vacancy among its members or by reason of some person having taken part in the proceedings who is subsequently found to have been not entitled to do so.

(3) Save as otherwise provided in this Act, all the acts done or orders made in good faith by the University or any of its authorities shall be final and no suit shall be instituted against or damages claimed from the University or its authority for anything done or purported to have been done in pursuance of this Act or the Statutes or the Regulations.

(4) No suit or other legal proceeding shall lie against any officer or other employee of the University in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any Statutes made thereunder.

The Visitor.

22. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including colleges and institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Board thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college, institution or campus maintained by the University and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, colleges or institutions.

(4) The Visitor shall, in every matter referred to in sub-section (3) give notice to the University of his intention to cause an inspection or inquiry to be made—

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or college or institution maintained by it, or

(b) to the management of the college or institution, if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present in person and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University, college or institution maintained by it, address the Vice-Chancellor with reference to the

result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Board the results of the inspection or inquiry, and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Board shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(10) Where, the Board does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he may think fit and the Executive Council shall comply with such directions.

(11) Without prejudice to the foregoing provisions of this Act, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinance:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(12) The Visitor shall have such other powers as may be prescribed by the Statutes.

CHAPTER IV

OFFICERS OF THE UNIVERSITY

23. The following shall be the officers of the University, namely:—

Officers.

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Director;
- (iv) the Deans;
- (v) the Registrar;
- (vi) the Comptroller;
- (vii) the University Librarian; and

(viii) such other persons in the service of the University as may be declared by the Statutes to be the Officers of the University.

24. (1) The Governor of the State of Arunachal Pradesh shall by virtue of his office be the Chancellor of the University.

The
Chancellor.

(2) The Chancellor shall, by virtue of his office, be the Head of the University and shall, if present, preside at the Convocation of the University.

(3) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.

(4) The Chancellor may by an order in writing annul any order or proceeding of the officer or authority of the University which is not in conformity with this Act and Statutes:

Provided that before making any such order he shall call upon the officer or authority concerned to show cause why such an order should not be made and if any cause is shown within the time specified in this behalf, he shall consider the same.

(5) The Chancellor shall exercise such powers and perform such other duties as are conferred on him by this Act or the Statutes.

The Vice-Chancellor.

25. (1) The Vice-Chancellor shall be a whole time officer of the University and he shall be appointed by the Chancellor from the panel of eminent educationists in Tribal studies drawn by the Search Committee.

(2) The Search Committee shall consist of the following members:

- (i) an eminent personality in Tribal Studies;
- (ii) one nominee of the Government;
- (iii) one nominee of the Chancellor:

Provided that one of the members shall be nominated by the Chancellor to act as Convener:

Provided further that nominee of the Government and the Chancellor shall be in the rank of Vice-Chancellor or equivalent.

(3) A person who has attained academic excellence and demonstrated leadership qualities in research, education and extension shall be eligible for candidature to the post of Vice-Chancellor.

(4) The Notice of filling of vacancies in Search Committee shall be widely publicized and communicated to every Tribal Universities and institutes.

(5) The Search Committee shall select and suggest a panel of the three names.

(6) The Vice-Chancellor shall hold office for a term of five years or until he attains the age of seventy years, whichever is earlier.

(7) The salary and allowances payable to and other terms and conditions of the service of the Vice-Chancellor shall be such as may be prescribed.

(8) The Vice-Chancellor may relinquish his office by resignation in writing under his hand addressed to the Chancellor which shall be delivered to the Chancellor normally sixty days prior to the date on which the Vice-Chancellor intend to be relieved from his office:

Provided that the Chancellor may, if he deems fit, may relieve the Vice-Chancellor prior to the date on which the Vice-Chancellor intends to be relieved from his officer.

(9) In the event of a temporary vacancy of the post of Vice-Chancellor or his absence on leave or for any other reason, senior most Director or Dean of Faculty or Registrar of the University, with the approval of the Chancellor, may perform the duties of the Vice-Chancellor but his period shall not exceed six months.

(10) The Vice-Chancellor shall not be removed from his office except by order of the Chancellor passed on the ground of misbehaviour or incapacity or if it appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interests of the University, after due inquiry by such person who is or has been a Judge of High Court to be nominated by the Chancellor in which the Vice-Chancellor, shall have an opportunity of making his representation.

Powers and duties of the Vice-Chancellor.

26. (1) The Vice-Chancellor shall be the Principal Executive Officer of the University and *ex-officio* Chairperson of the Board, Academic Council and other authorities and shall in the absence of the Chancellor, preside at the Convocation of the University and confer degrees on person entitled to receive them.

(2) The Vice-Chancellor shall exercise overall control over the affairs of the University and shall be responsible for due maintenance of discipline in the University.

(3) The Vice-Chancellor shall convene meetings of the Board of Management, Academic Council, Research Council and Extension Council.

(4) The Vice-Chancellor shall ensure faithful observance of the provisions of this Act and Statutes and Regulations.

(5) The Vice-Chancellor shall be responsible for the presentation of the annual financial estimates and the annual accounts to the Board of Management.

(6) The Vice-Chancellor may take any action in any emergency which in his opinion calls for immediate action and as soon as may be thereafter report his action to the authorities who would ordinarily have dealt with the matter:

Provided that if the authority disagrees with the action of the Vice-Chancellor, the matter shall be referred to the Chancellor whose decision shall be final.

(7) Where any action taken by the Vice-Chancellor under sub-section (6) affects any person in the service of the University to his disadvantage, such person may prefer an appeal to the Board within thirty days from the date on which such person has been served a notice of the action taken.

(8) If the Vice-Chancellor is satisfied that a decision of the Board is not in the best interest of the University, he shall refer it to the Chancellor whose decision thereon shall be final.

(9) Subject to the provisions of the preceding sub-sections, the Vice Chancellor shall give effect to the decisions of the Board regarding the appointments, promotions and dismissal of officers, teachers and other employees of the University.

(10) The Vice-Chancellor shall be responsible for the proper administration of the affairs of the University and for a close coordination and integration of teaching, research and extension.

(11) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed upon him under the provisions of this Act and the Statutes.

27. The Officers of the University referred to in clause (iii) to (viii) of section 23 shall be appointed by the Vice-Chancellor with the approval of the concerned authority of the University on such terms and conditions as may be prescribed:

General terms and conditions of other Officers of the University.

Provided that the Vice-Chancellor may make appointments of such officers as a temporary measure for a period of six months under intimation to the concerned authority of the University.

28. (1) The Director of Education shall,—

Functions of Directors, Deans, Registrar, Comptroller, etc.

(a) be responsible for planning and academic coordination for teaching, quality of education, policy matters and system regarding resident instruction, overseeing the examination and evaluation, development and enforcement of curricula, development of educational technology and teachers' training programme(s), and Human Resource Development of faculty; and

(b) function as Member-Secretary of the Academic Council.

(2) the Director of Research shall be responsible for the direction and coordination of research programmes in the University as laid down in section 30.

(3) the Director of Extension or Extension Education shall be responsible for the Tribal Extension Education programmes as laid down in section 31.

(4) the Dean shall be Head of the College and be responsible for teaching, research and extension activities in the College.

(5) the Dean of Faculty shall be the Chairman of Board of Studies of the concerned faculty and shall be responsible to the Vice-Chancellor for the organization and implementation of the teaching programme of the faculty.

(6) the Dean of Students Welfare shall,—

(a) plan and direct the programme of students' advisement and counselling and to enlist the co-operation of prospective employers and employment agencies to assist in the placement of graduates of the University and to promote discipline amongst the students of the University;

(b) plan and organize students' extra-curricular activities such as sports, cultural and other recreational activities, National Cadet Corps (NCC), National Social Service (NSS) and communication skill improvement and other allied activities;

(c) make arrangements and supervise management of students' hostel, cafeteria and mess; and

(d) supervise and control medical and health services and other welfare measures in the University.

(7) The Registrar shall be,—

(a) ex-officio Secretary of the Board of Management and permanent invitee of all councils;

(b) responsible for the due custody of records and common seal of the University;

(c) responsible for establishment matters and general administration in the University as prescribed; and

(d) responsible for admissions of Under Graduate and Post Graduate and conduct and management of examinations at Under Graduate and Post Graduate, maintenance of permanent records of the students, at the University including the courses taken, credits obtained, degrees, prizes or other distinctions and other items pertaining to academic performance and discipline of the students.

(8) The Comptroller shall,—

(a) prepare the budget, the statement of accounts, management of the funds and investments of the University;

(b) be responsible for ensuring that expenditure is made as authorized;

(c) arrange periodical internal inspection of the accounts maintained in various units of University;

(d) maintain the accounts of the University in the form and manner as approved by the Board and keep constant watch on the state of cash and bank balance and on the state of investment; and

(e) see that the asset registers are maintained up-to date and that the regular stock checking is conducted.

(9) The University Librarian shall be responsible for the maintenance and management of the University Library Information System and to guide and co-ordinate library activities of all the constituent units of the University.

(10) Subject to the provisions of this Act, the Officers of the University referred to in clauses (iii) to (viii) of section 23 shall perform such other duties as may be prescribed or as may be assigned to them from time to time, by the Vice-Chancellor.

CHAPTER V

EDUCATION, RESEARCH AND EXTENSION

29. (1) Subject to provisions of this Act, education in the University shall include research particularly Doctoral or PhD degree in Tribal Research, Bachelor's, Master's and degree programmes and short-term diploma/certificate courses in the disciplines of tribal studies and research as may be prescribed.

Education.

(2) The educational programmes shall maintain congruence with the State and National policies.

(3) The University shall put in place initiatives for e-learning, distributed or distance education, and Information and Communication Technology enabled knowledge sharing.

(4) The programmes of tribal education should aim at producing competent and skilled graduates and post-graduates.

30. (1) Subject to the provisions of this Act and the Statutes, the University shall carry on strategic, basic and applied research in tribal studies.

Research.

(2) The University through its research organization shall be the principal agency of control over research activities in tribal affairs and other allied branches in its jurisdiction.

(3) The University with the concurrence of Government may establish Regional or Zonal Research Stations and Sub-Stations in different tribal zones in its territorial jurisdiction for the conduct of research including operational research.

31. (1) The Extension Education programmes shall be established in the University and shall, subject to the provisions of this Act and the Statutes, ensure technology assessment and refinement and facilitate adoption of technology based on research findings.

Extension.

(2) The Extension Education programme shall include demonstrations and training programmes for the benefit of various stakeholders.

(3) The Extension Education programmes shall be coordinated with various units of the University and other appropriate agencies of the Centre Government and the State Governments.

(4) The University shall be responsible for developing models of tribal Extension in the State.

32. (1) In consultation with the appropriate officers of the University, the Vice-Chancellor shall be responsible for taking such steps as may be necessary for the full integration of teaching, research and extension activities of the University.

Integration of teaching, research and extension.

(2) Every faculty member borne on teaching cadre shall devote some time not (exceeding thirty per cent and as decided by the Vice-Chancellor in consultation with the appropriate officers of the University) in an academic year for undertaking research and/or extension besides teaching.

(3) All teaching, research and extension staff located in the college shall be under the administrative control of Dean of the College and overall technical control of Director Research and Director Extension as the case may be.

(4) The University shall develop its programme of research and extension keeping in view the regional needs of the State and provide the appropriate technological backstopping, to the Government and other stakeholders.

CHAPTER VI

FUNDS AND ACCOUNTS

33. (1) The University shall have a General Fund to which shall be credited:—

The University Funds.

(i) income from fees, endowments and grants and income from properties of the University including hostel, experimental stations;

(ii) contribution and grants made by the Government on such conditions as are consistent with the provision of this Act; and

(iii) other contributions, grants, donations, beneficiations and loans and other receipts.

(2) The University shall constitute a fund to be known as the Foundation Fund from contributions and grants made by the Central Government or the State Government or approved agency for being credited to that fund and such other sums as may be specified by the Board, shall be credited to this fund.

(3) The Board may as and when necessary re-transfer such amount as may be specified, from the Foundation Fund to the General Fund, in manner prescribed.

(4) The University shall furnish statements of accounts, reports and other particulars to the Government relating to any grant made by the Government and shall take such action and furnish such statements, accounts, reports and other particulars relating to the utilization of any grant within such time and manner as the Government may direct.

(5) It shall be competent for the University in furtherance of its objectives to accept the grants from the Government or any other State Government or the Central Government or Statutory Bodies or endowments or donations under such conditions as may be agreed upon between the University and the granter or donor.

Management
of Funds.

34. The General Fund, Foundation Fund and other funds of the University shall be managed according to the provisions laid down by the Statutes.

Accounts and
Audit.

35. (1) The Annual Statement of accounts (based on the double entry system of accounting) of the University shall be prepared by the Comptroller and certified by an authority to be nominated or authorized by the Board.

(2) The Statement prepared under sub-section (1), shall include all the money accruing to or received by the University from whatever source and all amount disbursed and paid by the University.

(3) The statement prepared under sub-section (1), shall be submitted to the Government by the Board normally within six months after close of the financial year to which these pertain, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

Provident
Fund, pension
and insurance.

36. (1) The University shall constitute for the benefit of its officers, teachers, ministerial staff and other employees, in such manner and subject to such conditions as may be prescribed, such pension, gratuity, insurance, provident fund, contributory pension fund as it may deem fit.

(2) For such pension, gratuity, insurance and provident fund so constituted by the University, the Government should declare that the provisions of the Provident Funds Act shall apply to such funds as it were Government provident Fund:

Provided that the University shall have power in consultation with the Finance Committee and the Board to invest Provident Fund amount in such manner as it may determine.

Government
grants.

37. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide every year the following lumpsum grants to the University, namely:

(i) a grant not less than the estimated expenditure of pay and allowances of the staff contingencies, supplies and services of the University for proper functioning of University; and

(ii) a grant to meet the actual pensionary and all other retirement liabilities of the pensioners of the University.

(2) The State Government shall also make non-lapsable lumpsum grant to the University in respect to schemes included in the Five Year Plans and transferred to it for implementation by the University of an amount equal to the net outlay in the annual plan.

38. (1) The Board shall constitute a Finance Committee consisting of:

Finance
Committee.

- (i) the Vice-Chancellor—Chairperson;
- (ii) the Principal Secretary or the Secretary (Finance) to the State Government or his nominee not below the rank of Joint Secretary, as member;
- (iii) the Principal Secretary/the Secretary (Tribal) to the Government, as member;
- (iv) one Director/Dean from amongst the Board Members to be nominated by the Vice-Chancellor, as member;
- (v) one nominee of the Board, as member;
- (vi) the Comptroller—Member-Secretary;
- (vii) the Registrar shall be the non-member invitee.

(2) The Finance Committee shall—

- (i) examine the annual accounts and budget estimates of the University and to advise the Board thereon;
- (ii) review the financial position of the University from time to time; and
- (iii) make recommendations to the Board on all matters relating to the finances of the University.

CHAPTER VII

STATUTES AND REGULATIONS

39. The Statutes of the University may provide for any matter connected with the affairs of the University and shall, in particular, provide for the following, namely:—

Statutes
subject to the
provisions of
this Act.

- (1) constitution, powers and duties of the Authorities;
- (2) creation, composition and functions of the other Bodies or Committees necessary or desirable for improving the academic life of the University;
- (3) designations, powers, functions, duties, manner of appointment and selections, and terms and conditions of service of the officers other than Chancellor and Vice-Chancellor;
- (4) classification, qualification and manner of appointment, terms and conditions of services and duties of teachers and non-teaching staff of the University;
- (5) terms and conditions of service of the Vice-Chancellor;
- (6) establishment, amalgamation, sub-division or abolition of faculties, Departments/ Research Stations/Centres or other units of the University;
- (7) establishment of pension and insurance schemes for the benefit of officers, teachers and other employees of the University and rules, terms and conditions of such schemes;
- (8) holding of Convocation to confer degrees and diplomas;
- (9) conferment and withdrawal of honorary degrees and academic distinctions;
- (10) conditions of service, remunerations and allowances including traveling and daily allowances to be paid to officers, teachers and other persons employed under the University;

(11) conditions and mode of appointment and the duties of examining bodies and examiners;

(12) management of Colleges/Centres/Divisions/Departments/Regional Stations/other centres/institutions founded or maintained by the University;

(13) constitution of Selection Committee for appointment of teachers and other staff; and

(14) all other matters which by this Act are to be provided by the Statutes.

Statutes how made.

40. (1) The Statutes made under this Act shall be proposed by the Board and submitted to the Chancellor for his assent and shall be valid only after assented to and notified by the Vice-Chancellor.

(2) Any Statute may be amended or repealed by the Board with the assent of the Chancellor.

(3) All Statutes made under this Act shall be published in the Official Gazette.

Regulations.

41. (1) The authorities of the University may make regulations consistent with this Act and the Statutes for:

(i) laying down the procedure for their meetings and number of members required to form the quorum;

(ii) providing for matters which by this Act and the Statutes are to be regulated by Regulations; and

(iii) providing for any other matter solely concerning the authority and not provided for by this Act and the Statutes.

(2) The Academic Council may subject to the provisions of Act and the Statutes, make regulations providing for courses of studies, system of examination, academic calendar, award of degrees and diplomas of the University and other matters related to resident instruction.

(3) The regulations made by any authority of the University shall be subject to such directions as the Board may, from time to time, give in this behalf.

(4) Academic Council of the University may make regulations for:

(i) holding of Convocations to confer degrees and diplomas;

(ii) conferment of honorary degrees, academic distinctions and withdrawal of degrees;

(iii) establishment and abolition of hostels maintained by the University;

(iv) institution of fellowships, scholarships, stipends, bursaries, medals and prizes and the conditions of award thereof;

(v) entrance or admission of the students to the University and their enrolment and continuance as such and the conditions and procedures for dropping students from enrolment;

(vi) fees which may be charged by the University;

(vii) course of study to be laid down for all degrees, diplomas and certificates of the University;

(viii) conditions under which students shall be admitted to the degrees, diplomas, or other courses and examinations of the University and their eligibility for the award of degrees and diplomas;

(ix) conditions for conferment of degrees and other academic distinctions;

(x) maintenance of discipline among the students of the University;

(xi) special arrangements, if any, which may be made for residence, discipline and teaching of women students and the provision of special courses of study for women; and

(xii) conditions of residence of students of the University and the levy of fees for residence in hostels.

CHAPTER VII

MISCELLANEOUS

42. The students shall reside in the accommodation maintained by the university or approved by the Vice-Chancellor subject to the conditions as may be prescribed:

Residence of students.

Provided that the Vice-Chancellor or an authorized officer of the University may permit the student(s) to reside with their parents or in private accommodations when no such accommodation is available with the University.

43. (1) The annual report of the University shall be prepared by the Registrar or any other officer, assigned under the direction of the Vice-Chancellor normally within six months from the close of the Financial Year and circulated to the Members of the Board before the meeting at which it is to be considered.

Annual Report.

(2) The Board shall after consideration of the annual report forward a copy thereof to the Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

44. The Vice-Chancellor may, by Statutes, delegate the powers exercisable under this Act or the Statutes made thereunder, to any authority, officer, heads of colleges or divisions or departments or institutions or units/office subject to such conditions and restrictions as the Vice-Chancellor may deem proper.

Delegation of powers.

45. Notwithstanding anything in this Act and until such time as the authorities are duly constituted, the Vice-Chancellor may subject to the approval of the Board, after it has been constituted appoint committees temporarily to exercise, perform and discharge any of the powers, functions and duties of such authority under this Act.

Constitution of ad-hoc committees.

46. If any question arises as to whether any person has been duly appointed or is entitled to be a member of any authority or other body of University, the matter shall be referred to the Chancellor whose decision thereon shall be final: Provided that before taking any such decision, the Chancellor shall give the person affected thereby reasonable opportunity of being heard.

Disputes as to constitution of Authorities or Bodies.

47. All suits and other legal proceedings by or against the University shall be instituted, prosecuted or defended on behalf of the University by the Registrar or any other officer specifically nominated in this behalf by the Vice-Chancellor.

Legal proceeding.

48. (1) Subject to the provisions of this Act and the Statutes made thereunder, appointment to posts and services in connection with the affairs of the University may be made by the Vice Chancellor with the approval of the concerned authority as prescribed. Provided that such approval of Board shall not be necessary in respect of appointment of posts carrying scales of pay lower than the pay scale of an Assistant Professor.

Appointment to posts in connection with the affairs of University.

(2) Notwithstanding anything contained in this Act and until such time as the Statutes are made or the authorities of the University are constituted, appointments to posts and services in connection with the affairs of the University may be made by the Vice-Chancellor on such terms and conditions as may be approved by the Chancellor.

49. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

50. (1) Every Statute or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Regulation or both Houses agree that the Statute or Regulation should not be made, the Statute or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Regulation.

(3) The power to make Statutes or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes or Regulations or any of them but no retrospective effect shall be given to any Statute or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

Statutes and Regulations to be published in the Official Gazette and to be laid before Parliament.

STATEMENT OF OBJECTS AND REASONS

The UN Declaration on the Rights of Indigenous Peoples, *vide* its article 14 states that "Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning". The access to educational facilities, especially for the tribal population in our country is still very limited. Lack of tribal research and inadequate opportunities for higher studies lead to disadvantageous educational and socio-economic status of the tribal population.

There is an information asymmetry while dealing with issues of tribals especially in North-East India. Thus, there is information gap while forming policies for tribal population which further impacts effective implementation. Therefore, the university aims to fill the information gap while forming the policies for tribals especially in the North-Eastern States. The need is to provide excellent quality research to foster policies for the tribal by the tribal.

It is, therefore, proposed to establish and incorporate a teaching university at East Siang in the State of Arunachal Pradesh to facilitate and promote research in the domain of tribal research and development.

Hence this Bill.

NEW DELHI;

NINONG ERING

February 15, 2017.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a University in the State of Arunachal Pradesh by the name of the National Tribal Research and Development University. Clause 37 provides for lump sum grants to the University every year. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 40 of the Bill provides that the Statutes of the University shall be proposed by the Board. It also empowers the Board of the University to make new or additional Statutes or to amend or repeal the Statutes of the University subject to the assent of the chancellor.

Clause 41 of the Bill enables the authorities of the University to make Regulations, consistent with the Act and the Statutes for the conduct of their own business and that of the Committees appointed by them and also for such matters as may be prescribed by the Statutes or Ordinances.

Clause 49 empowers the Central Government, by order, to make provisions to remove certain difficulties, which may appear to be necessary or expedient and such an order is not to be made after the expiry of a period of three years from the commencement of the Act and that such order shall be laid before each House of Parliament.

Clause 50 provides that every Statutes or Regulation made under the Act shall be published in the Official Gazette and laid before each House of Parliament.

As matters for which the Statutes or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill, the delegation of legislative powers is, therefore, of a normal character.

BILL NO. 50 OF 2017

A Bill to provide for the constitution of a Board for the development of export of turmeric and for the control of turmeric industry including the control of cultivation of turmeric and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Turmeric Board Act, 2017.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Board” means the Turmeric Board constituted under sub-section (1) of section 3;

(b) “certificate” means a certificate granted under section 8;

(c) “dealer” means a dealer in turmeric;

(d) “estate” means the area administered as one unit which contains land planted with turmeric plants;

(e) “export” and “import” means, respectively, taking out of or bringing into India by land, sea and air;

(f) “manufacturer” means a manufacturer of turmeric;

(g) “member” means a member of the Board appointed under sub-section (3) of section 3;

(h) “owner”, in relation to any land planted with turmeric plants, includes—

(i) any agent of the owner; and

(ii) a mortgagee, lessee or other person in actual possession of the land;

(i) “prescribed” means prescribed by rules made under this Act;

(j) “turmeric” means the rhizome or underground stem of turmeric plant and includes all the varieties specified in the schedule:

Provided that the Central Government may, if satisfied that it is necessary or expedient in the public interest to do so, by notification in the Official Gazette, add any other turmeric variety to the Schedule; and

(k) “turmeric plant” means *CURCUMA LONGA* which the Board may, by notification in the Official Gazette, declare to be a turmeric plant for the purposes of this Act.

CHAPTER II

THE TURMERIC BOARD

Constitution
and
incorporation
of the Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board, to be called the Turmeric Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding thirty-two, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) three members to represent respectively the Ministeries of the Central Government dealing with—

(i) Commerce;

(ii) Agriculture; and

(iii) Finance;

- (d) six members to represent turmeric farmers;
- (e) eleven members to represent the exporters of turmeric;
- (f) three members to represent major turmeric producing States;

(g) five members, of which three members/scientists to represent the Scientific Research Institutes from turmeric producing States and two members/scientists from Indian Council of Agricultural Research (ICAR).

(4) The Office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The salary and allowances payable to and other terms and conditions of service of members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Board;
- (b) any defect in appointment of a person acting as a member of the Board;
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

4. (1) The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and other Officers.

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

5. (1) Subject to any rules made in this behalf, the Board may, from time to time, constitute such committees as may be necessary for the efficient discharge of its functions.

Advisory Committees

(2) Every committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

6. (1) The Board may—

Functions of the Board.

- (i) develop, promote and regulate export of turmeric;
- (ii) grant certificate for export of turmeric and register brokers therefor;
- (iii) undertake programmes and projects for promotion of export of turmeric;
- (iv) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of turmeric;
- (v) strive towards stabilization of prices of turmeric for export;
- (vi) evolve suitable quality standards and introduce certification of quality through "Quality Marking" for turmeric for export;
- (vii) control quality of turmeric for export;
- (viii) give licences, subject to such terms and conditions as may be prescribed, to the manufacturers of turmeric for export;
- (ix) market turmeric, if it considers necessary, in the interest of promotion of export;

- (x) provide warehousing facilities abroad for turmeric;
 - (xi) collect statistics with regard to turmeric for compilation and publication;
 - (xii) import, with the previous approval of the Central Government, turmeric for sale; and
 - (xiii) advise the Central Government on matters relating to import and export of turmeric.
- (2) Without prejudice of provisions of sub-section (1), the Board may also—
- (i) promote co-operative efforts among turmeric farmers;
 - (ii) Provide loans to farmers for sowing as well as ensuring a Minimum Support Price (MSP) for Turmeric farmers and also facilitating insurance for the Turmeric crop and ensuring timely storage of harvested crop in godowns/warehouses;
 - (iii) Provide Financial Assistance for improved methods of Research to create better yielding varieties of Turmeric crop;
 - (iv) regulate the sale of turmeric and stabilization of prices of turmeric;
 - (v) provide training in turmeric testing and fixing grade standards of turmeric;
 - (vi) increase the consumption of turmeric and facilitating advertising and marketing strategies for that purpose;
 - (vii) register and licence broken (including auctioneers) of turmeric and persons engaged in the business of turmeric;
 - (viii) improve the marketing of turmeric;
 - (ix) collect statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the turmeric industry; publish statistics so collected or portions thereof or extracts therefrom;
 - (x) secure better working conditions and the provision and improvement of amenities and incentives for workers; and
 - (xi) undertake, assist or encourage scientific, technological and economic research.

CHAPTER III

CERTIFICATE FOR EXPORT OF TURMERIC

No person to export turmeric without certificate.

7. Save as otherwise provided in this Act, no person shall, after the commencement of this Act, commence or carry on the business of export of turmeric, except under and in accordance with a certificate:

Provided that a person carrying on the business of export of turmeric immediately before the commencement of this Act, may continue to do so for a period of three months from such commencement; and if he has made an application for such certificate within the said period of three months till the disposal of such application.

Explanation.—The reference in this section to the commencement of this Act shall be construed in relation to any variety of turmeric added to the Schedule by notification under the proviso to clause (1) of section 2 as reference to the date with the effect from which such variety of turmeric is added to the Schedule.

Grant of Certificate.

8. (1) An application for grant of certificate shall be made to the Board in such form and shall contain such particulars as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee.

(2) On receipt of such application, the Board shall—

- (a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the application to the applicant; or

(b) if the application is in the prescribed form and contains the prescribed particulars, grant the certificate subject to such terms and conditions as may be determined by regulations.

9. (1) The Board may cancel any certificate on any one or more of the following grounds, namely:—

Cancellation,
suspension;
etc. of
certificate.

(a) that the holder of the certificate has violated any of the terms and conditions of the certificate; and

(b) that in the opinion of the Central Government it is necessary in the interests of general public to cancel the certificate.

(2) Where the Board, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any grounds mentioned in sub-section (1), it is necessary so to do, the Board may, by order in writing, suspend the operation of the certificate for such period not exceeding forty-five days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be cancelled.

(3) No order of cancellation of registration under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard in respect of the grounds for such cancellation.

10. (1) Any person aggrieved by an order made under section 9 may prefer an appeal to the Central Government within such period as may be prescribed.

Appeal.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of order appealed against and by such fees as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(5) The Central Government may confirm, modify or reverse the order appealed against.

11. The Central Government may, if satisfied that it is necessary or expedient, so to do, in public interest, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, permit anybody or other agency to commence or carry on the business of export of turmeric without a certificate.

Power to
permit export
without
certificate.

CHAPTER IV

CONTROL BY THE CENTRAL GOVERNMENT

12. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of turmeric of any description specified therein—

Power to
control price
and
distribution of
turmeric.

(a) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a farmer turmeric or turmeric dealer, wholesale or retail, whether for the Indian market or for export; and

(b) the maximum quantity which may in one transaction be sold to any person.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made thereunder may provide—

(a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, turmeric to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and

(b) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, and the seizure by a person authorised to make such search, of turmeric in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be, committed.

Power to prohibit or control import of turmeric.

13. The Central Government may, by order published in the Official Gazette, make provision for prohibiting restricting or otherwise controlling the import of turmeric, either generally or in specified classes of cases.

Power of the Central Government to issue directions.

14. (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of the Central Government to supersede the Board.

15. (1) If at any time the Central Government is of opinion—

(a) that an account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as it may consider necessary.

Grants and loans by the Central Government.

17. (1) There shall be constituted a fund to be called the Turmeric Board Fund and there shall be credited thereto—

Board Funds.

(a) any grants and loans made to the Board by the Central Government under section 16;

(b) all fees levied and collected in respect of certificates granted under this Act; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions under section 6; and

(c) expenses on objects and for purposes authorized by this Act.

18. The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Budget.

19. The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Annual report.

20. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

Accounts and audit.

21. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report and auditors' report to be laid before Parliament.

CHAPTER VII

MISCELLANEOUS

22. Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

Penalty for making false returns.

23. Any person who—

(a) obstructs any member authorised by the Chairperson in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

Penalty for contravention of order relating to control of price, etc.

24. (1) If any person contravenes any order made under section 12, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 12 shall be deemed to have contravened that order.

Penalties for contravention of section 7 or any order made under section 13.

25. If any person contravenes the provisions of section 7 or any order made under section 13 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Other penalties.

26. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 22, 23, 24 and 25, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

27. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals;

and

(b) "director", in relation to a firm, means a partner in the firm.

Delegation.

28. The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act.

Members, officers and employees of the Board to be public servants.

29. All members, officers and other employees of the Board shall be deemed, when Acting or purporting to Act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of Action taken in good faith.

30. No prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or

any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

31. Subject to any rule made in this behalf, any person, generally or specially authorised by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:

Power to enter.

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

32. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the Board under sub-section (3) of section 3;

(b) the salary and allowances payable and other conditions of service of the members of the Board under sub-section (5) of section 3;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) the constitution of committees under section 5;

(f) the terms and conditions for giving licences to manufacturers of turmeric for export under clause (viii) of sub-section (1) of section 6;

(g) the form of the application and the fees under sub-section (1) of section 8;

(h) the period of limitation for appeal under sub-section (1) of section 10;

(i) the form of appeal and the fees payable under sub-section (3) of section 10;

(j) the procedure for disposal of appeal under sub-section (4) of section 10;

(k) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

33. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the salary and allowances payable to, terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4; and

(b) the terms and conditions under which the certificate may be granted under sub-section (2) of section 8.

34. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or

Rules and regulations to be laid before Parliament.

both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

35. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, publish in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Amendment
of Act 10 of
1986.

36. In the Spices Board Act, 1986, in the Schedule, the entry namely, '5. Turmeric', shall be omitted.

THE SCHEDULE

[See section 2(b)]

1. Amalapuram
2. Armour
3. Dindigam
4. Erode
5. Krishna
6. Kodur
7. Vontimitra
8. P317
9. GL Purm I
10. GL Purm II
11. RH2
12. RH10
13. Amruthapani
14. Duggirala
15. Tekurpeta
16. Pattant
17. Allepey
18. Wayanad
19. Rajapore
20. Karhadi
21. Waigon
22. Chinnanadan
23. Perianadan

in any form including powders, oil, oleoresins and other mixtures where turmeric content is predominant.

STATEMENT OF OBJECTS AND REASONS

Turmeric is one of the oldest spices and has been used in India since ages. Turmeric is the only spice in India that can be exploited commercially on a multiple scale apart from its main use as a flavouring agent in food. The turmeric is mainly used as flavouring agent, medicine for stomach disorders and food poisoning, Ayurvedic component in tooth paste and facial powders and natural dye (colouring agent for the textile industry). To exploit the inherent natural advantages that our country possesses in the production of turmeric, it is imperative that a nodal agency on the lines of Coir Board, Rubber Board, etc. be created. The need is to channelize efforts by bringing latest technology inputs, enhanced value addition and again significant advantages in ensuring greater market access in developed nations and brings in significant export earnings of turmeric which can be beneficial for the country in general and the farming community in particular. The Spices Board constituted under the Spices Board Act, 1986 which has to look into the matters pertaining to almost fifty-two other spices and related products will not be able to devote significant time and effort to strategically develop the turmeric crop in India.

Turmeric is the only spice in India which has witnessed intellectual property infringement by the United States of America. In the light of increasing tensions and deadlock at the World Trade Organisation (WTO) meetings, the setting up of a Turmeric Board will be extremely helpful to speed up the process of attaining a Geographical Indication (GI) tag for Erode turmeric which is under consideration at the WTO as well as other region specific turmeric varieties. This would be a significant step in increasing the brand value of Indian turmeric globally.

The creation of the Turmeric Board is imperative for the following reasons:—

(1) for the past four years, turmeric is the second largest exported spice after chilly. Even though it is behind chilly currently in terms of quantity exported, the crop is not being able to be marketed effectively for its above mentioned multiple uses apart from being a flavouring agent which almost all other spices are; and

(2) the quantity of rubber and silk exported was much lower than turmeric and these two products have a dedicated board to look into the affairs.

The Bill, therefore, seeks to provide for constitution of a Turmeric Board for the development of export of turmeric and for the control of turmeric industry including the control of cultivation of turmeric.

Hence this Bill.

NEW DELHI;

KAVITHA KALVAKUNTALA

February 23, 2017.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for constitution of Turmeric Board. Clause 4 provides for appointment of Secretary and other officers and employees to the Board. Clause 5 provides for the constitution of Advisory Committees by the Board. Clause 16 provides for the grants and loans by the Central Government. Clause 17 provides for the constitution of a Turmeric Board Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to issue orders to control price and distribution of turmeric. Clause 13 empowers the Central Government to issue orders to prohibit or control import of turmeric. Clause 14 empowers the Central Government to issue directions. Clause 15 empowers the Central Government to issue notification to supersede the Board. Clause 32 empowers the Central Government to make rules to carry out the purposes of this Act. Clause 33 empowers the Board may, with the previous approval of the Central Government, by notification in the Official Gazette, to make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. As the orders, directions, notifications, rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 48 OF 2017

A Bill to provide for the teaching of Sanskrit as a compulsory language in schools.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Sanskrit Language in Schools Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act.

Teaching of Sanskrit as a compulsory language in schools.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the Sanskrit language shall be taught in every school as a compulsory subject up to eighth standard in such manner as may be prescribed.

Appropriate Government to issue directions for compulsory teaching of Sanskrit language in schools.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue direction for teaching of Sanskrit language as a compulsory subject upto eighth standard in every school within its jurisdiction.

Expenditure to be shared by Central Government and State Governments.

5. The Central Government and the State Governments shall equally share the expenditure likely to be incurred on the implementation of the provisions of this Act.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Sanskrit, the mother of all Indo-Aryan languages, which has also helped in development and enrichment of almost all languages across the globe is fighting a tough battle in its own country of origin *i.e.* India. The language, acknowledged and documented to be the most structured and scientific language in the entire world, and which was once the *lingua-franca*, has now been reduced to a vanishing minority with just about 14,000 speakers left, across a country of over 1.2 billion population.

India's official education policy specifically mentions that facilities for the intensive study of Sanskrit have to be encouraged. Still, the apathy, neglect and propaganda against Sanskrit went on to such an extent that the Supreme Court of India had to intervene in 1994 to declare that Sanskrit had to be a part of education. However, the various States of India are still disadvantaging, discouraging and discriminating with teaching of Sanskrit language at school, college and University level.

It is absolutely essential that Sanskrit be taught as language in all schools and institutions of higher learning. State must ensure that institutions of higher learning produce good Sanskrit teachers and that all vacancies of Sanskrit teachers in schools are filled-up immediately.

It is highly deplorable that such a language which has a vast literature is being neglected in its own country. It is high time now to make sincere efforts to increase awareness in the younger generation about the importance of Sanskrit. Teaching of Sanskrit as a compulsory language in schools at least upto eighth standard will enable the younger generation to enrich their personality and to be aware of the noble traditions and thoughts of India which would help them become better citizens.

NEW DELHI;
February 23, 2017.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the total expenditure incurred on teaching of Sanskrit as a compulsory language in every school upto eighth standard shall be borne equally by the Central Government and the State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Although, the exact amount of expenditure cannot be estimated, however, it is estimated that a recurring expenditure of about twenty crore rupees per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 49 OF 2017

A Bill to provide for education loan to students belonging to economically weaker section and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Education Loan to Students belonging to economically weaker section Act, 2017.

Short title
extent and
commencement.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "bank" means any nationalized or commercial bank and includes a private, co-operative or foreign bank;

(b) "prescribed" means prescribed by rules made under the Act; and

(c) "student" means a person who belongs to economically weaker section and is pursuing any recognized course of study, including any professional or vocational course in any college or institution or university and whose parents' annual income is not more than three lakh and fifty thousand rupees.

Scheme for education loan to students.

3. The Central Government shall, within six months of the commencement of this Act, formulate a scheme for providing education loan at such rate of interest, as may be prescribed, to the students for the following purposes, namely:—

(a) pursuing professional courses such as medical, engineering or vocational course in any discipline in any recognized college or institution or university; and

(b) pursuing research in any recognized research institute or university.

Application for loan.

4. (1) An application for education loan shall be made by a student to any branch of a bank in such manner as may be prescribed.

(2) An application made under sub-section (1) shall be disposed of within a period of one month from the date of its receipt.

Bank to pay directly to the institution.

5. The bank shall make payment directly to the head of the college or institution or university where the student is studying or seeking admission.

Bank not to deny educational loan to students.

6. No bank shall,—

(i) refuse ordinarily an education loan to a student on any ground;

(ii) insist on any sort of guarantee, mortgage or surety for the purpose of disbursement of loan;

(iii) charge interest more than the rate prescribed;

(iv) keep or withhold degree, diploma certificates, mark sheets in original; and

(v) initiate recovery process of the loan before the completion of one year of securing a job by a student who has taken an education loan.

Punishment.

7. If any Bank violates the provisions of section 6, the chairperson or managing director or other officer of the bank responsible for the violation, unless he proves that such violation took place without his knowledge or that he exercised all due diligence to prevent, shall be deemed to be guilty of such violation and punished with imprisonment for a term which may extend upto six months or a fine upto rupees two lakh, or both.

Waiving off loan.

8. (1) The Central Government shall formulate a scheme for waiving off education loan, if a student, even after five years of completing his course, fails to secure any employment.

(2) Subject to such rules as may be made, the waiving off of education loans shall be applicable only to such *bona fide* students who do not get employment after completing their education.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The educational loans are given by banks to students for pursuing higher education. Students belonging to economically weaker section, who could not earlier afford the cost of professional and higher education, are also now in a position to pursue higher education because of education loan. However, the policy of giving education loan is defective on many counts.

Securing an education loan for the students belonging to economically weaker section is a difficult task, with several banks not keen on lending to students owing to a large number of defaults. As a result, the growth rate of education loan has been steadily declining. There is no fall in demand for loans, but the restriction is at the supply points.

At present it has no statutory backing or proper guidelines. Each bank has its own guidelines and fixes its own criteria for disbursing loan. Many banks often refuse the same on some frivolous and technical grounds. Guarantee and surety are always insisted upon before granting the loan. The rate of interest on such loan also varies from bank to bank. The students belonging to economically weaker section pursuing studies in private institutions or seeking admission under management quota are not given loan.

Therefore, it is sought to ensure through the Bill that education loan should not be denied to any student belonging to economically weaker sections of the society. Any person who violates the guidelines framed for education loan shall be punished so that no bank dares to refuse loan to students. Further, many students after completion of their course do not get jobs. Thus, they are not in a position to repay the loan taken. In such cases, a policy or scheme for waiving off of loans has been envisaged in the proposed Bill.

Hence this Bill.

NEW DELHI;
February 23, 2017.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the framing of a scheme for providing educational loans to students belonging to economically weaker section. Clause 8 provides for framing of a scheme for waiving off educational loan if, a student fails to secure any employment, five years after completion of this is course. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 1 OF 2017

A Bill to provide for special financial assistance to the State of Punjab for providing impetus to the financial and economic capabilities of State administration to carry out schemes for welfare of the Scheduled Castes, the Other Backward Classes, farmers and agricultural labourers so that fruits of development reach the poorest and most disadvantaged citizens of State and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Punjab Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special financial assistance to the State of Punjab.

2. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Punjab to meet the cost of such schemes of development, as may be undertaken by the State with the approval of Union Government for the purposes of—

(i) promoting the welfare of the Scheduled Castes and the Other Backward Classes, including providing scholarships and pensions;

(ii) implementing welfare measures with a view to improve the conditions of agricultural labourers and to protect their rights;

(iii) providing financial assistance to small and marginal farmers; and

(iv) effective development, exploitation and proper utilisation of resources in the State.

Power to remove difficulty.

3. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with provisions of this Act, which appear to him to be necessary or expedient for removing difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Act not in derogation of other laws.

4. The provisions of this Act shall be in addition and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

STATEMENT OF OBJECTS AND REASONS

The State of Punjab has been at the forefront of the green revolution in the country and has been pioneer in country's journey to achieve food security. Hardwork of Punjab's farmers have made it the bread basket of the nation. But in last decade, stagnation of growth in agricultural sector has adversely affected the whole State. Farmers, who form the backbone of State's economy have suffered the most, along with agricultural labourers who belong to the Dalit and marginalized sections of society. Moreover, mis-management of State finances by the Government has resulted in a massive public debt over the State. Through its own ill devised policies, State Government has hamstrung itself and is not able to take up the schemes for welfare of the Scheduled Castes, farmers, agricultural labourers and the Other Backward Classes of State.

In such a situation, most marginalized and most vulnerable citizens of Punjab need an immediate help from the Union Government to alleviate their distress. The Bill seeks to ensure that appropriate financial resources are allocated to people of State of Punjab and would go a long way in building a more powerful nation.

Hence this Bill.

NEW DELHI;
November 9, 2016.

RAVNEET SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sum of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Punjab. To meet the cost of such schemes of development, as may be undertaken by the State Government with the approval of Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Punjab. As the sum of moneys which will be given to the State of Punjab as special financial assistance by appropriation made by Parliament by law will be known only after the welfare schemes to be implemented by the State Government with the Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 2 OF 2017

A Bill to provide for special financial assistance to the State of Punjab for overcoming the current agrarian crisis in State caused by the unseasonal rains, hailstorms, deficit rainfall, whitefly attack and consistently rising input prices forcing farmers into debt trap; for providing relief and loan waivers to farmers, compensation for failed crops, promotion of sustainable farming, rainwater harvesting, creation of grain and fodder banks, skill development, research and development and welfare schemes for farmers, agricultural labourers and other marginalized sections of society in State of Punjab and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Punjab (For the Welfare of Farmers) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special
Financial
Assistance to
the State of
Punjab for the
welfare of
farmers.

2. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be paid such sums of money out of the Consolidated Fund of India, every year, which shall not be less than seventy thousand crore rupees, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Punjab to meet the cost of such schemes and works aimed at overcoming the ongoing agrarian crises and welfare of farmers, as may be undertaken by the State with the approval of Union Government for carrying out the purposes of this Act.

(2) Without prejudice to generality of the provisions of sub-section (1), the schemes and works to overcome the agrarian crisis may include,—

- (i) settling the debt of farmers;
- (ii) providing compensation and relief to farmers and agricultural labourers for any damage to crops caused due to rainfall deficit, pest attack, flood, hailstorm or any other natural calamity;
- (iii) providing assistance to small and marginal farmers;
- (iv) encouraging and providing modern irrigation facilities like drip irrigation and sprinklers to farmers;
- (v) promotion of rainwater harvesting and conserving the groundwater;
- (vi) promoting less water intensive crops like pigeon pea or tur, urad, mustard, sunflower and jawar bajra;
- (vii) promotion of growing fodder and establishing fodder banks;
- (viii) establishment of grain banks;
- (ix) establishment of warehouses and cold storages;
- (x) promotion of research and development for better and inexpensive inputs like seeds, fertilizers and pesticides;
- (xi) training of farmers in new crops and new agricultural techniques;
- (xii) introducing agricultural education in school curriculum;
- (xiii) afforestation of barren and waste land;
- (xiv) promoting food processing industries based on local agricultural products;
- (xv) providing skill development and training to youth particularly the unemployed ones; and
- (xvi) such other provisions as the State Government of Punjab may deem necessary for carrying out the purposes of this Act.

Power to
remove
difficulty.

3. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with provisions of this Act, which appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Act not in
derogation of
other laws.

4. The provisions of this Act shall be in addition and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

STATEMENT OF OBJECTS AND REASONS

The State of Punjab has been at the forefront of the green revolution in the country and has been pioneer in country's journey to achieve food security. Hard work of Punjab's farmers has made it the bread basket of the nation. But in last decade, stagnation of growth in agricultural sector has adversely affected the whole State. Farmers, who form the backbone of State's economy have suffered the most, alongwith agricultural labourers who belong to the Dalit and marginalized sections of society. Prices of inputs like seeds, fertilizers, pesticides etc. have skyrocketed in recent years but prices of their agricultural produce have not increased proportionately. This has made farming a non-remunerative and non-viable profession, pushing the farmers into borrowing for day to day expenses, eventually falling in debt trap. It is a saddening situation that the State that was once known for prosperity of farmers now ranks third in the nation in the number of farmer suicides. Above mentioned problems have been exacerbated in recent years by the unseasonal hailstorm destroying the crops, whitefly attack on cotton crop and impending water crisis as the ground water levels continue to plummet. There has been no worthwhile research in the agricultural universities in Punjab that can help the farmers mitigate these crises. State has not invested enough to provide modern facilities like drip irrigation, sprinklers that can help farmers improve their productivity. Lack of modern supply chain like cold storage prevents farmers from getting fair price for their produce. There is also a need to promote diversity in agriculture and incentivize farmers to grow new crops that can help them generate additional income. Desertification is another threat that makes hard working farmers of the Punjab vulnerable and the State needs to combat it.

All the above mentioned interventions cannot be implemented without cooperation of farmers, therefore there is an urgent need to train farmers in the newer and productive ways of agriculture and allied activities so that it can generate more income and employment.

Unfortunately, mismanagement of State finances by the Government has resulted in a massive public debt over the State. Through its own ill devised policies, State Government has hamstrung itself and is not able to take up the schemes for welfare of farmers, agricultural labourers and develop agriculture sector in State.

In such a situation, most marginalized and most vulnerable farmers of Punjab, that are the *Annadata* (food provider) of the nation, need an immediate help from the Union Government to alleviate their distress. The Bill seeks to ensure that appropriate financial resources are allocated to farmers of the State of Punjab and would go a long way in building a more powerful nation.

Hence this Bill.

NEW DELHI;
November 11, 2016.

RAVNEET SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sum of money out of the Consolidated Fund of India, every year which shall not be less than seventy thousand crore rupees, as Parliament may by due appropriation provide, as special financial assistance to the State of Punjab to meet the cost of schemes and works aimed at overcoming the ongoing agrarian crises and welfare of farmers in the State. The Bill, therefore, if enacted would involve recurring expenditure of a minimum rupees seventy thousand crores per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

ANOOP MISHRA
Secretary General